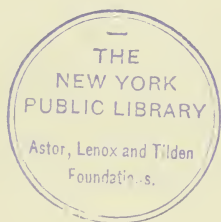


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LIFE AND TIMES
of
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COL. A. S. COLYAR—AUTHOR OF THE WORK

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— OF —

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Soldier=Statesman=President

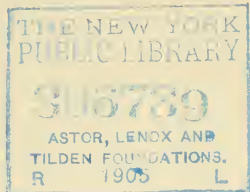
By A. S. COLYAR,

NASHVILLE, TENN.

24 /
VOLUME II.

NASHVILLE, TENN.

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JACKSON AS A LETTER WRITER — TAKES CARE OF THE GOVERNMENT RATHER THAN THE OFFICE SEEKER; A LESSON FOR MEMBERS OF CONGRESS—THE STORY OF ILLITERACY CAUGHT ON THE WING — JACKSON FOR HIS COUNTRY — NOT A PARTISAN.

SHORTLY after the battle of New Orleans, General Jackson dispatched Col. Arthur P. Hayne to Washington, the bearer of important official documents; and immediately after his return with his army, after driving the British into the ships, looking to what might come if the British General should again attack New Orleans or Mobile, he wrote Colonel Hayne at Washington a truly characteristic letter. General Jackson never, like some of our great generals, after a victory, rested for a day on the glory achieved, but with vigilance pursued or prepared for what might come. The letter referred to, dated 25th of January, 1815, is a truly Jacksonian paper in more ways than one. Read it carefully:

“HEADQUARTERS, NEW ORLEANS, January 25, 1815.

“*Sir*: It is my desire, when you arrive in Washington, that you would impress on the mind of the Secretary of War the necessity of expediting regular troops to the defense of this district. General Coffee’s brigade will be entitled to honorable discharge on the 20th of March, General Carroll’s division on the 15th of May, and General Thomas’ detachment from Kentucky about the same time. The present regular force does not exceed 600 effectives.

“Prevented by motives of delicacy and other causes, I have not made these discriminations nor urged those pretensions which the respective merits of officers required. I

must, therefore, request you to mention the names of Major Peire and Captains Butler and Baker, of the Forty-fourth Regiment, and of Acting Lieutenant Call, as worthy of promotion. Captains Montgomery, Vail, and Allen, of the Seventh Regiment, acted well during the whole campaign. They are certainly good captains, and merit promotion. Too much praise cannot be bestowed on Colonel Humphrey and Lieutenant Spotts, of the artillery. Humphrey ought to be at the head of a regiment, and the latter of a company. I cannot omit to mention the names of his assistant, Major Davis, and my two aides, Captains Reid and Butler. From the report of Major Overton, Captains Woolstonecraft, Murray, and White ought to be noticed, and the Major is worthy to command a regiment. The brave defenders of Fort Bowyer have been too long neglected. Their gallantry at one moment saved that section of the country.

“From General Coffee’s brigade I am satisfied most valuable officers might be selected. The General would be a most valuable Brigadier. Colonels Dyer, Elliott, and Gibson are men of the utmost bravery. Captain Parish would do honor to the head of a company in any army. Captain Martin would, I have no doubt, command a company well. The Government and the world are sensible of the high opinion I entertain of General Carroll. General Adair is certainly a valuable officer, and ought to be noticed. As a Brigadier, his superior is perhaps nowhere to be found. In General Coffee’s brigade there are Captain Donalson, of the rangers, and Captain Hutchins, of the mounted gunmen, whose names I have omitted asking you to mention, because they are my near connections.

“Any officers whose merit you may have noticed, and no doubt there are many such, you will be good enough to do justice to, and, for God’s sake, entreat the Secretary of War not to yield too much, in time to come, to recommendations of members of Congress. He must be sensible to the motives from which, for the most part, such recommendations proceed, and events have too often and too sadly proved how little merit they imply.

“To all matters connected with the welfare and defense of this district, you will have the goodness to direct the

attention of the Secretary of War, and be assured, sir, when you are thus about to leave me at the close of a campaign which has been so full of interest, and to the successful prosecution of which your skill and courage have so much contributed, I should do no less injustice to my feelings than to your merits did I not return you my earnest acknowledgments. Be assured, sir, wherever you go, you carry with you my high sense of your services, my thanks for them, and my prayers for your prosperity.

"I am your friend,

ANDREW JACKSON,

"Major General Commanding.

"For COL. ARTHUR P. HAYNE,

"Inspector General, Southern Division."

To show Jackson's adroitness in omitting the names of men who would be valuable in his service in his reports, and yet getting the proper information to the Secretary of War, but more especially his vigorous protest against the appointment of military officers on the recommendation of members of Congress, this letter will be appreciated.

It seems to me that members of Congress will be struck themselves with Jackson's insight into a practice that has been so hurtful to the public service. The author once walked into the office of Mr. Bayard, the Secretary of State, at Washington, in company with the Assistant Secretary, Hon. James D. Porter, and found the Secretary of State standing up with a paper in his hand. A little flushed, he said: "Porter, what do you think the Kentucky gentlemen have been up here to see me about?" (I had met the two Kentucky Senators and the Representatives as I passed up the steps.) Governor Porter said, "What?" "Well," said Mr. Bayard, "they came up here to remonstrate against an appointment I had made, and I pulled out this paper (the one he had in his hand), and showed them that they had all signed a recommendation for his appointment."

They had signed his petition *pro forma*, and had forgotten it.

General Jackson at that early day saw what has come to be a wholly inexcusable habit of men in public places—of taking care of their own popularity, and letting the President take care of the office. Then, this letter is a fine specimen of this business man's way of doing business, as well as the graceful touch of remembrance to be found in all his unofficial letters.

But what is more important, in confirmation of what I have hereinbefore said, that the Tennessee volunteers who left their homes simply because Jackson sent them word he wanted them, fought the four battles at New Orleans—of the 23d of December, the 28th of December, the 1st of January, and the 8th of January—a series of battles, one right after another, which are without a parallel in history, in results, considering the number, the training, and the past record on the one side, as compared with the other; indeed, there is nothing like it in history. This letter shows what I have said—that this crowning victory was won by Tennessee soldiers; without them the nation's humiliation would have been complete; Tennessee volunteers, who loved and obeyed the great General, and with him resolved to die or drive back England's invaders. For the lack of guns and clothing the Kentuckians in the last battle were of but little service. They did not reach New Orleans until after the first battles had been fought, and, as hereinbefore shown, these three battles (not the 8th) won the victory. This letter shows that Jackson only had 600 soldiers besides the Tennesseans and Kentuckians.

Before entering upon General Jackson's Seminole Campaign and his public service as Governor of Florida, making a chapter that ran through his entire public life, the correspondence between him and the President of the United States, and the facts that led up to it, must be shown. No life of Jackson would be complete without this correspondence. Parton, as usual, makes this correspondence the

occasion for again renewing the hundredth time the reminder that Jackson was too ignorant to write letters. Parton says about these letters:

“They show him in equilibrium, unbiased and prejudice or passion. They show us what kind of a President he would have made if it were as easy to govern as it is to write pleasant sentences upon the art of governing.

“The reader has had specimens enough of General Jackson’s composition to know that these letters, as they will be given here, could have been written by General Jackson’s hand. For the information of the curious, it may be mentioned that the letters, before being dispatched, were copied by the General’s friend, Major William B. Lewis, of Nashville, in whose handwriting the principal letter was sent to its destination. The residence of Major Lewis, it may be convenient to have the reader know, was and is on the road leading from Nashville to the Hermitage, about two miles from the town. For many a year the General seldom passed it without stopping. Many a rough draft or document and letter was there reduced to a form and style presentable to fastidious eyes.”

But to the correspondence. A few days after General Jackson’s return from the Indian country, in the autumn of 1816, he wrote a letter to Mr. Monroe, from which I make the following extracts:

“HEADQUARTERS DIVISION OF THE SOUTH,

“NASHVILLE, October 23, 1816.

“*Dear Sir:* I returned from the Nation on the 12th instant, and seize the first moment from duty to write to you. I have the pleasure to inform you that we have obtained, by cession, from the Cherokees and Chickasaws, all their claim south of Tennessee that interfered with the Creek cession.

“We have experienced much difficulty with the Chickasaws, from what they call their guarantee or charter, given by President Washington, in 1794, and recognized by the

treaty with that nation in 1801, which not only guaranteed the territory, but bound the United States to prevent intrusions within the limits defined, of every kind whatever. In the treaty with the Cherokees, lately entered into at the city of Washington, the greater part of the land guaranteed by the treaty of 1801 to the Chickasaws was included. The fact is that both President Washington and the present Secretary of War (Crawford) must have been imposed on by false representations, as neither the Cherokees nor the Chickasaws had any right to the territory south of the Tennessee and included within the Creek cession, as the testimony recorded on your journal and forwarded with the treaty will show, it being within the possession of the Creeks, until conquered by us in the fall of 1813.

"I feel happy that all these conflicting claims are accommodated by the late treaties, and a moderate premium, payable in ten years; and that extensive fertile country west of the County of Madison and north of the Tennessee, which at once opens a free intercourse to and defense for the lower country, is acquired.

"In a political point of view its benefits are incalculable. We will now have good roads kept up and supplied by the industry of our own citizens, and our frontier defended by a strong population. The sooner, therefore, that this country can be brought into the market the better. By dividing this country into two districts, by a line drawn due east from the mouth of the Black Warrior to the Coosa River, and appointing an enterprising individual to superintend the northern district as surveyor, he can have all the lands north of the line ready for sale by the 1st of June next. The vast capital now held for the purchase of this land, if offered for sale before the holders turn it to other objects, will insure the treasury an immense sum of money, and give to the Government a permanent population capable of defending that frontier, which ought to induce the Government to prepare it for market as early as possible.

"Having learned from Gen. David Meriwether that Mr. Crawford is about to retire from the Department of War, I am induced, as a friend to you and the Government, to bring to your notice, as a fit character to fill that office, Col. William H. Drayton, late of the army of the United States.

I am not personally acquainted with Col. D., but, believing it of the utmost importance that the office of Secretary of War should be well filled, I have for some time, through every source that has presented itself, been making inquiry on that subject. From information that I can rely on, the result is that he is a man of nice principles of honor and honesty, of military experience and pride, possessing handsome talents as a lawyer and statesman. I am told before the war he was ranged with the Federalists, but the moment his country was threatened he abandoned private ease and a lucrative practice for the tented field. Such acts as these speak louder than words. 'The tree is best known by its fruits,' and such a man as this, it matters not what he is called, will always act like a true American. Whether he would accept the appointment, I cannot say; but if he would, his talents, experience, and energy would prove highly useful to his country. It is all important in peace and in war, as you well know, to have this office well filled; at present, when there exists such strife in the army as appears in the North, it is important to select a character of such firmness and energy as cannot be swayed from strict rule and justice. From every information I have received, Colonel Drayton fills this character, and is better qualified to execute the duties of the Department of War than any other character I have knowledge of, either personally or from information.

"I write you confidentially. It is said here ————— is spoken of to succeed Mr. Crawford. Rest assured this will not do. When I say this I wish you to understand me that he does not possess sufficient capacity, stability, or energy, the three necessary qualifications for a war officer. These hints proceed from the purest motives, that you may be supported in your administration by the best talents and virtue of our country; that you may be hailed in your retirement from the executive chair with that unanimous approbation that has brought you to it.

"Present Mrs. Jackson and myself respectfully to your lady and family, in which is included Mrs. Hay, and accept for yourself my warmest wishes for your happiness.

"HON. JAMES MONROE,

"Secretary of State."

"ANDREW JACKSON.

On the 12th of November, twenty days after the letter just given, General Jackson wrote to Mr. Monroe, as President, he having been inaugurated, a letter, extracts from which I give as follows :

“(Private) NASHVILLE, November 12, 1816.

“*Sir*: Permit me to introduce to your notice Lieutenant Gadsden, who will hand you this letter, and who is also bearer of the treaties lately concluded with the Creeks, Chickasaws, and Cherokees.

“In my last to you, I took the liberty of drawing your attention to the benefits that would result, both to the Treasury of the United States and to the defense of the Lower Mississippi and its dependencies, by bringing into market those tracts of country lately acquired by the treaties above mentioned. I am so deeply impressed with the importance of this subject that I cannot forego the present opportunity of again bringing it to your view. I have this moment written to the Comptroller on this highly interesting and important business. If the plan proposed is adopted, the land can be brought into market within a very short time, which will immediately give to that section of the country a strong and permanent settlement of American citizens competent to its defense.

“In every section party and party feeling should be avoided. Now is the time to exterminate the monster called party spirit. By selecting characters most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party, you will go far to, if not entirely, eradicate those feelings which, on former occasions, threw so many obstacles in the way of government; and perhaps have the pleasure and honor of uniting a people heretofore politically divided. The chief magistrate of a great and powerful nation should never indulge in party feelings. His conduct should be liberal and disinterested, always bearing in mind that he acts for the whole and not a part of the community. By this course you will exalt the national character and acquire for yourself a name imperishable as monumental marble. Consult no party in your choice; pursue the dic-

tates of that unerring judgment which has so long and so often benefited our country and rendered conspicuous our rulers. These are the sentiments of a friend. They are the feelings—if I know my own heart—of an undissembled patriot.

“Accept assurances of my sincere friendship, and believe me to be your obedient servant,

“ANDREW JACKSON.

“The Hon. James Monroe.”

The foregoing letter, dated the 12th of November, 1816, attracted great attention in General Jackson's political career, and truly this letter, with Mr. Monroe's reply to it, is a deeply interesting chapter at a time when history was being made.

But I have introduced it and use it specially on Mr. Parton's charge of ignorance, and his constant assumption that Jackson was not capable of writing an important paper; and in reference to the two letters here copied Mr. Parton says, as hereinbefore shown:

“The reader has had specimens enough of General Jackson's composition to know that these letters, as they will be given here, could not have been written by General Jackson's hand. For the information of the curious, it may be mentioned that the letters, before being dispatched, were ‘copied’ by the General's friend, Major W. B. Lewis, of Nashville, in whose handwriting the principal letter was sent to its destination.”

Here Mr. Parton assumes that the reader must know that General Jackson did not write these letters, the letter of the 12th of November being the principal one. Now when Mr. Parton wrote this, he had before him this positive and direct evidence that Jackson did write it.

In a letter to Major Lewis, written by General Jackson, which Mr. Parton copies, he (Jackson) says:

"CITY OF WASHINGTON, February 22, 1824.

"*Dear Major:* . . . Mr. Crawford's friends have become desperate and will do anything; their motto, 'The end is worthy the means.' Their minority caucus has recoiled upon their own heads, and the unanimity of Pennsylvania has defeated all their plans. I refer you to the newspapers for the current news of the day. Wonder not if you see the attempts made to make me a Federalist. The proof, a letter I wrote to Mr. Monroe in 1816 or 1817. You no doubt recollect it. It was copied by you."

And Major Lewis says in a letter which Mr. Parton publishes :

"I know that no Federalist wrote the letter referred to. The principal letter was written at my residence, in the vicinity of Nashville, and was not seen by any one, with the exception of the General and myself, until it was received by Mr. Monroe. In fact, it was copied by me, at the General's request, and sent to Mr. Monroe in my handwriting. The truth is, I was so struck with the noble sentiments it breathed that I took an extra copy of it to put it upon my own private files, with the intention, should I outlive the General, to place it in the hands of his future biographer."

One word is enough. Jackson never said in a private letter to Major Lewis, "A letter I wrote to Mr. Monroe—you no doubt recollect it. It was copied by you," and told an untruth.

General Jackson was not the man to say to Major Lewis in a letter, "I wrote the letter and you copied," knowing that he was saying what was not true. Major Lewis' statement is more conclusive, if possible. He says the letter was written at his house, and he copied it, and then: "The truth is, I was so struck with the noble sentiments it breathed that I took an extra copy of it to put on my own private files, with the intention, should I outlive the General, to place it in the hands of his future biographer."

Major William B. Lewis was an old-fashioned Virginia gentleman, and never intended to put a letter before the world as an evidence of General Jackson's noble "sentiments" which was his own work and not General Jackson's at all. Major Lewis was not that sort of man.

And yet with all this proof, Parton says everybody must know that General Jackson did not write the letter. It was the letter of the 12th of November that was used by politicians to make General Jackson a Federalist.

CHAPTER XXXV.

LETTERS BETWEEN PRESIDENT-ELECT MONROE AND GENERAL JACKSON — THIS CORRESPONDENCE THE RESULT OF MONROE'S APPRECIATION OF JACKSON'S SUPREME MILITARY GENIUS — JACKSON REFUSES THE DEPARTMENT OF WAR IN MONROE'S CABINET — IMPORTANT MATTERS OF STATE DISCUSSED — JACKSON'S FEAR OF PARTY ANTAGONISMS.

WHILE Mr. Monroe was Secretary of State under Mr. Madison, there came to be very kindly relations, that ripened into confidence and friendship (rarely found between two public men), between him and General Jackson.

By way of disparaging in the public mind the effect of the confidence reposed in General Jackson by the President of the United States, Mr. Parton says:

"He (Jackson) well knew that from James Monroe he need fear no thwarting of his plans as Commander of the Southern Division, Mr. Monroe being one of those gentlemen who are clay in the hands of such a man as Andrew Jackson."

If the reader will turn back and read the letter of the 12th of November, published in the last chapter, and then carefully read the letter of the President-elect to General Jackson, dated the 14th of December, he will be prepared to appreciate what I am going to say about the correspondence. This correspondence was used in various ways to the end of General Jackson's political career; indeed, it had much to do in shaping the politics of the country. While the Federal party was strong in men at that time, 1816, it was not in the fight for President.

Mr. Monroe's nomination by a congressional caucus was equivalent to an election. General Jackson was a good deal talked of, but in good faith and with a sincere diffidence and distrust about holding civil office, which he had always shown, he demanded in the most positive manner that his friends should not use his name. The contest was between Mr. Monroe, who had been in Madison's Cabinet for eight years, and Mr. Crawford, of Georgia. What inspired Mr. Monroe with such unbounded confidence in General Jackson has been — was at the time — much discussed. There were those who, like Parton, dismissed it by simply saying it was the strong man appropriating the weak man. This had no foundation. The question is not difficult of solution.

Mr. Monroe had been in Mr. Madison's Cabinet, and in position to see and appreciate what Jackson did in raising an army to go to Natchez, and then his courage and wisdom in disobeying the order of the President to disband his army in the wilderness. Then he had watched him get out of bed and raise an army and destroy the Creek Nation, disobeying the orders of the Governor of the State when ordered to retreat, which disobedience had wrought a revolution and turned the darkest crisis in our history to the brightest day.

Mr. Monroe was the exceptional witness to his daring courage in going to Pensacola when the Government pigeon-holed his letters asking what to do; and as Secretary of State he had watched every movement at New Orleans, and he was prepared to say, of all living men, this is the man for me to take into my confidence and consult.

Here is the letter that the President-elect of the United States, Commander in Chief of the Army and Navy, wrote to a subordinate. A remarkable letter, but it tells its own tale. The young men interested in our history should not fail to read this letter, long as it is — in fact, the entire correspondence in this and the next chapter :

“WASHINGTON, December 14, 1816.

“*Dear Sir:* I have, since my last to you, had the pleasure of receiving two letters from you, the last of the 12th of November. The advantages of the late treaties with the Indians are incalculable. One of the benefits consists in putting an end to all dissatisfaction on the part of Tennessee proceeding from the former treaty. This has been done on very moderate terms. Another consists in enabling the Government to bring to market a large body of valuable land, whereby the public debt may be considerably diminished. A third, in extending our settlements along the Mississippi towards the Mobile, whereby great strength will be added to our Union in quarters where it is most wanted. As soon as our population gains a decided preponderance in those regions, East Florida will hardly be considered by Spain as part of her dominions, and no other power would accept it from her as a gift. Our attitude will daily become more imposing on all the Spanish dominions, and, indeed, on those of other powers in the neighboring islands. If it keeps them in good order, in our relations with them, that alone will be of important consequence.

“I have communicated what you suggested respecting General Coffee and Lieutenant Gadsen to the President, who is, I am satisfied, well disposed to promote their views. It is very gratifying to me to receive your opinions on all subjects, on which you will have the goodness to communicate them, because I have the utmost confidence in the soundness of your judgment and purity of your intentions. I will give you my sentiments on the interesting subject in question, likewise without reserve. I agree with you decidedly in the principle that the Chief Magistrate of the country ought not to be at the head of a party, but of the nation itself. I am also of opinion that the members of the Federal party who left it in the late war and gallantly served their country in the field, have given proofs of patriotism and attachment to free government that entitle them to the highest confidence. In deciding, however, how a new administration ought to be formed, admitting the result to correspond with the wishes of my friends, many considerations claim attention,, as on a proper estimate of them much

may depend in the success of that administration, and even of the Republican cause. We have heretofore been divided into two great parties. That some of the leaders of the Federal party entertained principles unfriendly to our system of government I have been thoroughly convinced; and that they meant to work a change in it by taking advantage of favorable circumstances I am equally satisfied. It happened that I was a member of Congress under the confederation, just before the change made by the adoption of the present Constitution, and afterward of the Senate, beginning shortly after its adoption. In the former I served three years, and in the latter rather a longer term. In these stations I saw indications of the kind suggested. It was an epoch at which the views of men were most likely to unfold themselves, as, if anything favorable to a higher-toned government was to be obtained, that was the time. The movement in France tended also, then, to test the opinions and principles of men, which was discussed in a manner to leave no doubt in my mind of what I have suggested. No daring attempt was ever made, because there was no opportunity for it. I thought that Washington was opposed to their schemes, and, not being able to take him with them, that they were forced to work in regard to him, underhanded, using his name and standing with the nation, as far as circumstances admitted, to serve their purposes. The opposition, which was carried on with great firmness, checked the career of this party and kept it within moderate limits. Many of the circumstances upon which my opinion is founded took place in debate and in society, and therefore find no place in any public document. I am satisfied, however, that such proof exists, founded on facts and opinions of distinguished individuals, which became public, to justify that which I have formed.

“The contest between the parties never ceased from its commencement to the present time, nor do I think it can be said now to have ceased. You saw the height to which the opposition was carried in the late war; the embarrassment it gave to the government, the aid it gave to the enemy. The victory at New Orleans, for which we owe so much to you and to the gallant freemen who fought under you, and the honorable peace which took place at that time, have

checked the opposition, if they have not overwhelmed it. I may add that the daring measure of the Hartford Convention, which unfolded views which had been long before entertained, but never so fully understood, contributes also, in an eminent degree, to reduce the opposition to its present state. It is under such circumstances that the election of a successor to Mr. Madison has taken place, and that a new administration is to commence its service. The election has been made by the Republican party (supposing that it has succeeded), and of a person known to be devoted to that cause. How shall he act? How organize the administration so far as dependent on him when in that station? How fill the vacancies existing at the time?

“My candid opinion is, that the dangerous purposes which I have adverted to were never adopted, if they were known, especially in their full extent, by any large portion of the Federal party, but were confined to certain leaders, and they principally to the eastward. The manly and patriotic conduct of a great proportion of that party in the other States, I might perhaps say all, who had an opportunity of displaying it, is a convincing proof of this fact. But still Southern and Eastern Federalists have been connected together heretofore, and although their conduct has been different of late, especially, yet the distinction between Republicans and Federalists, even in the Southern and Middle and Western States, has not been fully done away.

“To give effect to free government, and secure it from future danger, ought not its decided friends, who stood firm in the day of trial, be principally relied on? Would not the association of any of their opponents in the administration itself wound their feelings, or at least of very many of them, to the injury of the Republican cause? Might it not be considered by the other party as an artful compromise with them, which would lessen the ignomy due to the councils which produced the Hartford Convention, and thereby have a tendency to revive that party on its former principles? My impression is that the administration should rest strongly on the Republican party, indulging to the other a spirit of moderation, and evincing a desire to discriminate between its members, and to bring the whole into the Republican fold as quietly as possible.

“Many men, very distinguished for their talents, are of opinion that the existence of the Federal party is necessary to keep union and order in the Republican ranks—that is, that free government cannot exist without parties. This is not my opinion. That the ancient republics were always divided into parties; that the English Government is maintained by an opposition to the ministry, I well know. But I think that the cause of these divisions is to be found in certain defects in those governments, rather than in human nature, and that we have happily avoided those defects in our system. The first object is to save the cause, which can be done by those who are devoted to it only, and, of course, by keeping them together, or, in other words, not by disgusting them by too hasty an act of liberality to the other party, thereby breaking the generous spirit of the Republican party and keeping alive that of the Federal. The second is to prevent the reorganization and revival of the Federal party, which, if my hypothesis is true, that the existence of party is not necessary to free governments, and the other opinion which I have advanced is well founded, that the great body of the Federal party are Republican, will not be found impracticable. To accomplish both objects, and thereby exterminate all party divisions in our country, and give new strength and stability to our Government, is a great undertaking, not easily executed.

“I am, nevertheless, decidedly of the opinion that it may be done, and should the experiment fail I shall conclude that its failure was imputable more to the want of a correct knowledge of all circumstances claiming attention and of sound judgment in the measures adopted, than to any other cause. I agree, I think, perfectly with you in the grand object that moderation should be shown to the Federal party, and even a generous policy be adopted towards it; the only difference between us seems to be how far shall that spirit be indulged in the onset, and it is to make you thoroughly acquainted with my views on this highly important subject that I have written to you so freely on it. Of the gentleman of whom you have spoken, I think as you do, of which I gave him proof when in the Department of War by placing him in the board of officers for digesting and reporting a system of discipline for the army, and after-

wards by other tokens of confidence, and I add with pleasure that I should be gratified, regarding the feeling and claims above stated, to find an opportunity at a proper time hereafter, should the event in contemplation occur, to add other proofs of my good opinion and respect for him.

“In the formation of an administration it appears to me that the representative principle ought to be respected, in a certain degree at least, and that the head of a department (there being four) should be taken from the four great sections of the Union, the East, the Middle, the South, and the West.

“This principle should not always be adhered to. Great emergencies and transcendent talents should always justify a departure from it. But it would produce a good effect to attend to it when practicable. Each part of the Union would be gratified by it, and the knowledge of local details and means would be thereby brought into the Cabinet would be useful. I am nowise compromised in respect to any one, but free to act, should I have to act, according to my own judgment, in which I am thankful for the opinions of my friends, and particularly for yours.

“On the subject of fortifications or works of defense of the coasts and frontiers, an arrangement has lately been made by the President, with which I wish you to be well acquainted. You have heretofore, I presume, been apprised that General Bernard, of the French corps of Engineers, under the recommendation of General Lafayette, and many others of great distinction in France, had offered his services to the United States, and that the President had been authorized by a resolution of Congress to accept them, confining his rank to the grade of the chief of our corps. This resolution being communicated to General Bernard by the late Secretary of War, to whom he was known, he came over in compliance with the invitation which accompanied it. From Mr. Gallatin he brought letters stating that he was the seventh in rank in the corps, and inferior to none in reputation and talents, if not the first. It required much delicacy in the arrangement, to take advantage of this knowledge and experience in a manner acceptable to himself, without wounding the feelings of the officers of our own corps, who had rendered such useful services, and were

entitled to the confidence and protection of their country. The arrangement adopted will, I think, accomplish fully both objects.

"The President has instituted a board of officers, to consist of five members, two of high rank in the corps, General Bernard, the engineer at each station (young Gadsen, for example, at New Orleans), and the naval officer commanding there, whose duty it is made to examine the whole coast and report such works as are necessary for its defense to the chief engineer, who shall report the same to the Secretary of War, with his remarks, to be laid before the President. McRee and Totten are spoken of for the two first, who, with General Bernard, will continue till the service is performed; the two latter will change with the station. The general commanding each division will be officially apprised of this engagement, and that he may be present when he pleases, and give such aid as he may think fit. The attention of the board will be directed to the island frontiers likewise. In this way it is thought that the feelings of no one can be hurt. We shall have four of our officers in every consultation against one foreigner, so that if the opinion of the latter becomes of an essential use, it must be by convincing his colleagues when they differ that he has reason on his side. I have seen General Bernard, and find him a modest, unassuming man, who preferred our country, in the present state of France, to any in Europe, in some of which he was offered employment, and in any of which he may probably have found it. He understands that he is never to have command of the corps, but will always rank second in it.

"This letter, you will perceive, is highly confidential; a relation which I wish always to exist between us. Write me, as you have done, without reserve, and the more gratifying your communications will be.

"With great respect and sincere regard, yours,

"JAMES MONROE."

On the 6th of January, 1817, General Jackson replied to this letter, as follows:

"NASHVILLE, January 6, 1817.

"*Dear Sir:* I have the pleasure to acknowledge the receipt of your letter of the 14th of December last, which I have read with great interest and much satisfaction.

"Your idea of the importance of the newly acquired territory from the Indians is certainly correct, and all the importance you attach to it will be realized. The sooner these lands are brought into the market the sooner a permanent security will be given to what I deem the most important, as well as the most vulnerable, part of the Union. This country once settled, our fortifications of defense in the lower country completed, all Europe will cease to look at it with an eye to conquest. There is no other point, America united, that combined Europe can expect to invade with success.

"On the other subjects embraced by my letter, as well as this, I gave you my crude ideas with the candor of a friend. I am much gratified that you received them as I intended. It was the purest friendship for you individually, combined with the good of our country, that dictated the liberty I took in writing to you. The importance of the station you were about to fill to our country and yourself, the injury in reputation that the Chief Magistrate might sustain from the acts of a weak minister, the various interests that will arise to recommend for office their favorite candidate, and, from experience in the late war, the mischief that did arise to our national character by wickedness or weakness, induced me to give you my candid opinion on the importance of the character that should fill this office. I had made for this purpose the most extensive inquiry in my power, from the most impartial sources, for the most fit character, combining virtue, honor, and energy, with talents, and all united in the individual named.

"I was fully impressed with the propriety as well as with the policy you have pointed out, of taking the heads of the departments from the four grand sections of the United States, where each section can afford a character of equal fitness; where that cannot be done, fitness and not locality ought to govern; the Executive being entitled to the best talents, when combined with other necessary qualifications, that the Union can afford.

"I have read with much satisfaction that part of your letter on the rise, progress, and policy of the Federalists. It is, in my opinion, a just exposition. I am free to declare that had I commanded the military department where the Hartford Convention met, if it had been the last act of my life, I would have punished the three principal leaders of the party. I am certain an independent court-martial would have condemned them, under the second section of the act establishing rules and regulations for the government of the army of the United States. This kind of men, although called Federalists, are really monarchists and traitors to the constituted government. But I am of the opinion that there are men called Federalists that are honest, virtuous, and really attached to our Government, and, although they differ in many respects and opinions with the Republicans, still they will risk everything in its defense. It is, therefore, a favorite adage with me that the 'tree is best known by its fruit.' Experience in the late war taught me to know that it is not those who cry patriotism the loudest who are the greatest friends to their country, or will risk most in its defense. The Senate of Rome had a Sempronius; America has hers. When, therefore, I see a character with manly firmness give his opinion, but when overruled fly to support that majority, protecting the eagles of his country, meeting every privation and danger for love of country and the security of its independent rights, I care not by what name he is called, I believe him to be a true American, worthy of the confidence of his country, and of every good man. Such a character will never do an act injurious to his country. Such is the character given to me of Colonel Drayton. Believing in the recommendation, I was, and still am, confident he is well qualified to fill the office with credit to himself and benefit to his country, and to aid you in the arduous station a grateful country has called you to fill.

"Permit me to add that names of themselves are but bubbles, and sometimes used for the most wicked purposes. I will name one instance: I have, once upon a time, been denounced as a Federalist. You will smile when I name the cause. When your country put up your name in opposition to Mr. M., I was one of those who gave you the preference,

and for reasons that, in the event of war, which was then probable, you would steer the vessel of State with more energy, etc. That Mr. M. was one of the best men and a great civilian I always thought, but I always believed that the mind of a philosopher could not dwell on blood and carnage with any composure; of course, that he was not well fitted for a stormy sea. I was immediately branded with the epithet Federalist, and you also. But I trust, when compared with the good adage of the tree being best known by its fruit, it was unjustly applied to either.

"To conclude, my dear sir, my whole letter was intended to put you on your guard against American Semproniuses, that you might exercise your own judgment in the choice of your own ministry, by which you would glide smoothly through your own administration, with honor to yourself and benefit to your country. This was my motive; this is the first wish of my heart, to see you, when I am in retirement, endeavoring to nurse a broken and debilitated constitution, administering the Government with the full approbation of all good men, pursuing an undeviating course, alone dictated by your own independent, matured judgment.

"Present Mrs. J. and myself respectfully to your lady, and accept for yourself our best wishes, and believe me to be your most obedient servant,

"ANDREW JACKSON.

"The Hon. James Monroe."

Then comes the important letter of Mr. Monroe, showing that General Jackson could have been Secretary of War if he would have taken it, as follows:

"WASHINGTON, March 1, 1817.

"*Dear Sir:* I wrote you a short letter lately by General Bernard, and I intended to have written you another, but had not time; indeed, so constantly have I been engaged in highly important business that I have not had a moment for my friends.

"In the course of last summer the President offered the Department of War to Mr. Clay, who then declined it. Since it was known that the suffrages of my fellow-citizens

had decided in my favor, I renewed to him the offer, which he has again declined. My mind was immediately fixed on you, though I doubt whether I ought to wish to draw you from the army to the South, where, in case of any emergency, no one could supply your place. At this moment our friend, Mr. Campbell, called and informed me that you wished me not to nominate you. In this state, I have resolved to nominate _____, though it is uncertain whether he will serve. His experience and long meritorious services give him a claim over younger men in that State.

"I shall take a person for the Department of State from the eastward, and Mr. Adams' claims, by long service in our diplomatic concerns, appearing to entitle him to the preference, supported by his acknowledged abilities and integrity, his nomination will go to the Senate. Mr. Crawford, it is expected, will remain in the Treasury. After all that has been said, I have thought that I should put the Administration more on national grounds by taking the Secretary of State from the Eastward than from this quarter, or the South or West. By this arrangement there can be no cause to suspect unfair combination for improper purposes. Each member will stand on his own merit, and the people respect us all according to our conduct. To each I will act impartially, and of each expect the performance of his duty. While I am here I shall make the Administration, first, for the country and its cause; secondly, to give effect to the government of the people, through me, for the term of my appointment, not for the aggrandizement of any one.

"With great respect and sincere regards, yours,

"JAMES MONROE."

And then General Jackson's letter of the 18th of March, 1817, approving the appointment of Mr. Adams as Secretary of State:

"NASHVILLE, March 18, 1817.

"*Dear Sir:* I had the pleasure this day of receiving your letter of the 1st inst. That by General Bernard I have not

received. I learn by this day's mail that he has reached Knoxville, and will be on in a few days.

"My friend, Judge Campbell, was instructed and fully authorized to make the communication to you that he did, and, I hope, gave you fully my reasons for my determination and wishes on this subject.

"I have no hesitation in saying that you have made the best selection to fill the Department of State that could be made. Mr. Adams, in the hour of difficulty, will be an able helpmate, and I am convinced his appointment will afford general satisfaction.

"No person stands higher in my estimation than ———. He is a well-trying patriot, and if he accepts, will, with a virtuous zeal, discharge the duties of the office as far as his abilities will enable him. I cannot disguise to you my opinion on this occasion; my anxious solicitude for your public and private welfare requires of me candor on all occasions, and I am compelled to say to you that the acquirements of this worthy man are not competent to the discharge of the multiplied duties of this department. I therefore hope he may not accept the appointment. I am fearful, if he does, he will not add much splendor to his present well-earned standing as a public character. Should he accept, rest assured as long as I remain in the army it will afford me great pleasure in obeying your orders through him, and rendering his situation and duty easy and pleasant as far as circumstances will place it in my power.

"I am aware of the difficulties that surround you in the selection of your cabinet. But the plan you have adopted of making all considerations yield to the general weal will bring you to retirement with the salutations and applause of all the virtuous, wise and good; and should you be properly seconded by the Congress of the United States, you will be enabled to place the Union in a state of security and prosperity that cannot be shaken by the convulsions of Europe. To this end you can calculate with confidence on my feeble exertions, so long as my constitution may permit me to be useful. I have looked forward to that happy period when, under your guidance, our Government would be in the 'full tide of successful experiment,' when I would retire from public life and endeavor to regain a much enfeebled

constitution. Should you be properly seconded in your views, this period will arise as soon as the measures you adopt for the defense of the frontier are carried into effect by completing these fortifications that have been and may be selected for its defense, by erecting foundries and armories and organizing and classing the militia. Then we will have peace, for then we will be prepared for war. Every man having a gun in his hand, all Europe combined cannot hurt us. Then all the world will be anxious to be at peace with us, because all will see we wish peace with all, but are prepared for defense against those who may attempt to infringe our national rights.

"Accept assurances of my best wishes, and believe me to be, respectfully, your obedient servant,

"ANDREW JACKSON.

"HON. JAMES MONROE,

"President of the United States."

This correspondence shows that in 1816 General Jackson looked upon and feared the antagonisms of party just as General Washington did. Probably General Jackson's letter of the 12th of November had something to do in making Mr. Adams Secretary of State. This correspondence is used in deciding the question about "To the victor belongs the spoils," when we come to it.

And it will throw light on the election of Mr. Adams in 1824, and the charge of bribery and corruption against Mr. Clay.

CHAPTER XXXVI.

LETTERS BETWEEN MONROE AND JACKSON CONTINUED —
JACKSON WARNS MONROE AGAINST PARTY FEELINGS
AND URGES THE APPOINTMENT TO MONROE'S CABINET
OF ADAMS, THE HEAD OF THE FEDERAL PARTY —
JACKSON NOT THE AUTHOR OF THE SPOILS SYSTEM —
HE REMOVED FROM OFFICE ONLY INCOMPETENT AND
DELINQUENT INCUMBENTS, THUS LEAVING HIMSELF
SURROUNDED CHIEFLY BY HIS POLITICAL OPPONENTS.

THE latter part of the letter of the 12th of November, 1816, written by General Jackson to Mr. Monroe, after he was elected President, but still Secretary of State under Mr. Madison, and published in a former chapter, when considered in connection with Mr. Monroe's reply, also published, will show a confidential relationship existing between them which relieves the advice given to the President-elect of seeming indelicacy in giving it. Mr. Monroe had manifested his high estimate of General Jackson's worth by inviting the freest interchange of views about public matters. This gives to the suggestions about the Cabinet he should form, looking to party affiliations and the policy of conciliation, a sanctity which they would not otherwise have had. The advice to the incoming President that "in every selection party and party feeling should be avoided; that now is the time to exterminate the monster called party spirit; that by selecting characters most conspicuous for probity, virtue, capacity, and firmness, without any regard to party, you will go far to, if not entirely, eradicate these feelings which on former occasions threw so many obstacles in the way of government, and perhaps have the

pleasure and honor of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation should never indulge in party feelings. His conduct should be liberal and disinterested, always bearing in mind that he acts for the whole and not a part of the community. By this course you will exalt the national character and acquire for yourself a name as imperishable as monumental marble."

Having published extracts from this letter in a former chapter, I give this part of it again for the purpose of arresting in a special sense the mind of the public. It will surprise, ah, astound, all who have not, for themselves, by investigation, ascertained the truth. This letter, coupled with the proof, will show to the world a new Andrew Jackson — a man it has never seen and it has never known. It is true the real facts are tangible and in reach, but not accessible to the masses, and it was the pleasure of his biographer to becloud a great life. "To the victor belong the spoils" is what a boy would expect to find in the way of a placard on the General's old white hat if he were to come across it.

It is true most intelligent men know it was not General Jackson, but another, that used these words, but in the heat of political strife, in the days when every coonskin and every keg of hard cider was an argument, "To the victor belong the spoils" was everywhere declared to be the password in the Jackson camp. Mr. Parton took it up, and while he was a master of the English in unfriendly criticism, he was more than himself in his invectives in arraigning the man whose life he was writing for the wholesale slaughter of office-holders who did not support him in his election, turning out, as Parton says, 2,000 office-holders as fast as he could lay hands on them. To such an extent, and with such persistency was this charge pushed, that it has almost been universally accepted as truth, as such is the attitude and relation of the biographer that when he says a thing

derogatory to the subject whose life he writes, it is taken in the nature of a confession.

I have no doubt that ninety-nine out of every hundred of my readers who saw the letter of the 12th of November to Mr. Monroe, advising a non-partisan course, were more than astonished and ready to exclaim: How in the world could the man of "To the victor belong the spoils" in 1828 have written such a letter in 1816? Was the Andrew Jackson of 1828 the same Andrew Jackson of 1816? The greater will be the surprise when I say that, acting upon the suggestion made by General Jackson in a general way, Mr. Monroe put Mr. Adams, the very head of the Federal party, in his Cabinet, giving him the first place — Secretary of State — and kept him there eight years, and that General Jackson wrote the President a special letter approving the appointment.

With the thinking men of the country this charge of Jackson's removal on the principle that "To the victor belong the spoils" has done him more harm than any other, possibly more than all the other charges. Millions of men believe that Jackson is the founder of the spoils system, a system which has grown into a great national sin, converting the ballot-box into a stake-holder for thousands of men who are gambling for office and making the office of President a mecca, and his inaugural a day for dispensing favors to the faithful. In American history it becomes a matter of the deepest interest to know who is responsible for inaugurating this course now threatening the very life of the nation, because practiced by both of the great parties and intensely and earnestly advocated by men who boldly assume and claim that they are suited for a Federal office who have never shown themselves fit for anything else except as leaders in ward politics. There is but one more interesting question in our political life than, "Who did inaugurate this system?" and that other question is, "How can we get clear of it?"

Did America's greatest soldier and most fearless and patriotic President inaugurate this vicious practice of paying for party service with public office — a President buying his popularity with something that doesn't belong to him?

No one has done more to propagate the error and mislead the public mind, both in Europe and this country, than M. De Toqueville. In his work, the chapter on American democracy, he says: "Mr. Quincy Adams on his entry in office discharged the majority of the individuals who had been appointed by his predecessor, and I am not aware that General Jackson allowed a single removable functionary employed in the public service to retain his place beyond the first year which succeeded his election." Nothing has been more hurtful to our form of government in Europe, where the writings of M. De Toqueville are extensively read, than his utterances.

When Mr. Jefferson came into office, he made the subject of removal from office a study. He found that at one time the practice of a "clean sweep" in England on the change of the ministry was tried, and the evil effect had taught England a lesson.

Mr. Macaulay refers to this practice as follows:

"A persecution, such as had never been known before, and has never been known since, raged in every public department. Great numbers of humble and laborious clerks were deprived of their bread, not because they had neglected their duties, not because they had taken an active part against the ministry, but merely because they had owed their situations to some (whig) nobleman who was against the peace. The proscription extended to tide-waiters, to door-keepers. One poor man, to whom a pension had been given for his gallantry in a fight with smugglers, was deprived of it because he had been befriended by the (whig) Duke of Grafton. An aged widow, who, on account of her husband's services in the navy, had many years before been

made housekeeper in a public office, was dismissed from her situation because she was distantly connected by marriage with the (whig) Cavendish family."

Four days after Mr. Jefferson came into office he wrote Mr. Monroe as follows:

"Some removals, I know, must be made. They must be as few as possible, done gradually, and bottomed on some malversation, or inherent disqualification. Where we should draw the line between retaining all and none is as yet not settled, and will not be until we get our administration together; and, perhaps, even then we shall proceed at atoms, balancing our measures according to the impressions we perceive then to make."

Six days after he wrote to Elbridge Gerry, afterwards Vice President, as follows:

"Mr. Adams' last appointment, when he was appointing counsellors and aides for me, not for himself, I set aside as fast as depends on me. Officers who have been guilty of gross abuse of office, such as marshals packing juries, etc., I shall now remove, as my predecessors ought in justice to have done. The instances will be few, and governed by strict rule, and not party passion. The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear, however they have differed from me in opinion; those who have done ill, however, have nothing to hope; nor shall I fail to do justice, lest it should be ascribed to that difference of opinion."

To his Attorney General, Mr. Lincoln, he wrote as follows:

"I still think our original idea as to office is best; that is, to depend for obtaining a just participation on deaths, resignations, and delinquencies. This will least affect the tranquillity of the people, and prevent their giving in to the suggestions of our enemies — that ours has been a contest for office, not principle. This is rather a slow operation,

but it is sure if we pursue it steadily, which, however, has not been done with the undeviating resolution I could have wished. To these means of obtaining a just share in the transaction of the public business, shall be added one more, this, to wit: Removing for electioneering activity, or open and industrious opposition to the principles of the present government, legislative and executive. Every officer of a government may vote at elections according to his conscience, but we should betray the cause committed to our care were we to permit the influence of official patronage to overthrow that cause. Your present situation will enable you to judge of prominent offenders in your State in the case of the present election. I pray you to seek them, to mark them, to be quite sure of your ground, that we may commit no errors or wrongs, and leave the rest to me. I have been urged to remove Mr. Whittemore, Surveyor of Gloucester, on the grounds of neglect of duty, and industrious opposition, yet no facts are so distinctly charged as to make the steps sure which we should take in this. Will you take the trouble to satisfy yourself on the point?"

What General Jackson thought, and what he did on the subject of removals when the election of a President wrought a revolution in parties, was known to one man who became a witness. When General Jackson was elected President, he had one friend in the Senate, who had been there eight years, and on whom he relied, and with whom he conferred more than with any other man. It is true he and Colonel Benton had, fifteen years before, a serious personal difficulty, but in 1823, when they were together in the Senate, they had made friends, and through the eight years of Jackson's service as President, he consulted Benton about every important matter, and Benton stood like a stone wall between him and his assailants. Benton did not finish his great American history, "Thirty Years in the Senate," until many years after Jackson's death. But true to Jackson in the grave as he was in life — seeing how the dead soldier was calumniated and what a hold it had taken on

the public mind — he put himself in the breach and became more than a witness — he became the chronicler of living facts.

With Mr. Benton the whole subject of removals was discussed. With Mr. Jefferson the question had been one of deepest interest and finally settled by him on principle. Mr. Benton conferred with him in person and makes the following statement :

“With respect to General Jackson, referring to what De Toqueville said, it is about equally so in the main assertion — the assertion that he did not allow a single removable functionary to remain in office beyond the first year after his election. On the contrary, there were entire classes—all those whose functions partook of the judicial—which he never touched. Boards of commissioners for adjudicating claims under indemnity treaties; judges of the territorial courts, justices of the District of Columbia; none of these were touched, either in the first or any subsequent year of his administration, except a solitary judge in one of the territories, and he not for political cause, but on specific complaint, and after taking the written and responsible opinion of the then Attorney General, Mr. Grundy. Of the seventeen diplomatic functionaries abroad, only four (three ministers and one *charge des affaires*) were recalled in the first year of his administration. Of the near 8,000 deputy postmasters in the United States, precisely 491 were removed in the time mentioned by Mons. De Toqueville, and they for all causes, for every variety of cause. Of the whole number of removable officials, amounting to many thousands, the totality of removals was about 690, and they for all causes. Thus the Government archives contradict Mons. De Toqueville, and vindicate General Jackson’s Administration from the reproach cast upon it. Yet he came into office under circumstances well calculated to excite him to removals. In the first place, none of his

political friends, though constituting a great majority of the people of the United States, had been appointed to office during the preceding administration, and such an exclusion could not be justified on any consideration. His election was, in some degree, a revolution of parties, or rather a re-establishment of parties on the old line of Federal and Democratic. It was a change of administration in which a change of government functionaries, to some extent, became a right and duty, but still the removals actually made, when political, were not merely for opinion, but for conduct under these opinions, and happily, there was conduct enough in too many officials to justify their removal. A large proportion of them, including all the new appointments, were inimical to General Jackson, and divided against him on the re-establishment of the old party lines, and many of them actively. Mr. Clay, holding the first place in Mr. Adams' Cabinet, took the field against him, traveled into different States, declaimed against him at public meetings, and deprecated his election as the greatest of calamities. The subordinates of the Government, to a great degree, followed his example, if not in public speeches, at least in public talk and newspaper articles, and it was notorious that these subordinates were active in the presidential election. It was a great error in them. It changed their position. By their position all administrations were the same to them. Their duties were ministerial and the same under all presidents. They were non-combatants. By engaging in the election they became combatants, and subjected themselves to the law of victory and defeat — reward and promotion in the one case, loss of place in the other. General Jackson, then, on his accession to the presidency, was in a new situation with respect to parties, differing from that of any President since the time of Mr. Jefferson, whom he took for his model, and whose rule he followed. He made many removals, and for cause, but

not so many as not to leave a majority in office against him, even in the executive departments in Washington City."

Then, Mr. Benton says, General Jackson adopted the rule laid down by Mr. Jefferson, and makes the following statement :

"Mr. Jefferson had early and anxiously studied the question of removals. He was the first President that had occasion to make them, and with him the occasion was urgent. His election was a complete revolution of parties, and when elected he found himself to be almost the only man of his party in office. The Democracy had been totally excluded from Federal appointment during the administration of his predecessor ; almost all offices were in the hands of his political foes. I recollect to have heard an officer of the army say there was but one field officer in the service favorable to him. This was the type of the civil service. Justice to himself and his party required this state of things to be altered ; required his friends to have a share proportionate to their numbers in the distribution of office, and required him to have the assistance of his friends in the administration of the Government. The four years' limitation law — the law which now vacates within the cycle of every presidential term the great mass of the offices — was not then in force. Resignations then, as now, were few. Removables were indispensable, and the only question was the principle upon which they should be made. This question Mr. Jefferson studied anxiously and under all aspects of principle and policy, of national and of party duty, and upon consultation with his friends settled it to his and their satisfaction. The fundamental principle was that each party was to have a share in the ministerial offices, the control of each branch of the service being in the hands of the Administration ; the removals were only to be made for cause ; and, of course, that there should be inquiry into the truth of imputed delinquencies. 'Official misconduct,'

'personal misconduct,' 'negligence,' 'incapacity,' 'inherent vice in the appointment,' 'partisan electioneering beyond the fair exercise of the elective franchise,' and 'where the heads of some branches of the service were politically opposed to the Administration'—these, with Mr. Jefferson, constituted the law of removals, and was so written down by him immediately after his inauguration."

Now, I submit if this is not surprising in view of an accepted political tradition that Jackson made a clean sweep and is the author of the spoils system now cursing the country.

No well informed man will dispute for one moment the evidence of Colonel Benton.

General Jackson's admirers will, I am sure, gratefully remember the author of the "Thirty Years in the Senate"—a great book—the work of vast labor for the noble vindication of the great Tennessean, when his enemies pursued him, and especially for the labor bestowed in giving the record answer—to the slander that he was the author, or practiced on the principle that "To the victor belong the spoils." This libelous charge had been so extensively circulated that nothing less than just such a certified copy of the record as Mr. Benton makes would be satisfactory.

Mr. Benton and Mr. Madison are the two writers on our political history who can always be relied on in any statement of facts. The "Thirty Years in the Senate" and "Elliott's Debates," which are Madison's notes, ought to be condensed and in our schools.

Mr. Madison was the most voluminous writer, but Mr. Benton was the most painstaking and laborious.

The conditions accentuate the facts in this record—for Mr. Benton's statement is the record. The conditions are that General Jackson went into office after four years of an administration that had not put one of his party friends in office, and after appointees had spent much time in assailing him.

CHAPTER XXXVII.

JACKSON'S CORRESPONDENCE WITH MONROE CONTINUED—
THE SEMINOLE CAMPAIGN SECOND IN RESULTS TO VICTORY OF NEW ORLEANS ALONE—GENERAL GAINES' SITUATION FIGHTING THE SEMINOLE INDIANS—VIEWS OF JACKSON AND OF MONROE SHOWN IN LETTERS.

THE Seminole Campaign, in itself, was not one of General Jackson's greatest exploits, but in the fruit it bore it was second only to the victory at New Orleans, which was indeed a new day in American history. Speaking of the fruits, as well as the noble display of manhood, I am not prepared to say that the victory over the British was a more noble, exalted and far-reaching exhibition of greatness than was displayed in the conflict that came directly out of the Seminole Campaign of 1818.

If I had the power of impressing on the coming young men of this country one, and only one, single act of moral heroism, as an example for them to ever keep before their eyes, I think I would take Andrew Jackson standing alone defending himself in the attempt by the "allied powers" to destroy him before the American people for his conduct in the Seminole Campaign. And if I were called upon to name the greatest victory ever won by one man over allied and powerful forces, in a field where truth and justice were the goal, I would take Jackson as he stood up before a combination of the President and his Cabinet, the United States Senate and the House of Representatives — offered as he was peace, ease, and honor, in a compromise, which he knew was neither sound nor truthful, when he said: "No; I make no compromise of truth; it is not true; it is not right;

it is not best for my country." And if I were called upon to name the least defensible thing ever done by a biographer, I would name Parton, in making a life of more than 2,000 pages, loaded down with trash, but no room for Jackson's immortal defense written by himself, and handed over to a friend with special instructions for it to be used by his biographer, and which defense Parton had before him when he wrote the book.

The issue made upon General Jackson in connection with the Seminole War involved the question whether, as General in command of the army, he disobeyed orders in taking possession of the Spanish forts at St. Mark, Pensacola and St. Augustine.

General Gaines was in command of a small force fighting the Seminole Indians, who had become exceedingly troublesome in Florida, and were committing depredations with a high hand in the way of murdering white people and stealing property; they were strongly supported by such Creek warriors as had fled to the swamps of Florida after Jackson fought the five battles in the Creek Nation in the winter of 1813-14, and they were backed up by Colonel Nichol, who had organized the Creek Indians at Pensacola, with the consent of the Spanish Governor, causing Jackson to make the celebrated campaign to Pensacola before going to New Orleans.

In his spite, after the treaty with England, he had whipped around into Florida, and in Spanish territory he had equipped and occupied with runaway negroes a large fort, and in some way with him were Arbuthnot and Ambrister. When he found Jackson was coming in, he left and went back to England. This fort was on a high hill, surrounded by a great swamp—it was claimed to be in possession of the Indians, but negroes occupied it. It was found to contain twelve pieces of cannon, mounted on ramparts; 2,500 muskets, the same number of sets of accoutre-

ments, 500 carbines, 500 steel swords, and 400 pistols, and a large supply of ammunition. The arms were all new and of excellent quality.

General Gaines, feeling unable, as he manifestly was, to contend with the forces, and realizing that the Spaniards were playing a double game, reported to the President the condition of things, and that there were 2,700 Indians armed. The whole territory being in Major General Jackson's command, the Government, almost in a state of alarm, through the Secretary of War, Mr. Calhoun, ordered General Jackson to raise an army from the adjacent States and take command. This order reached General Jackson at the Hermitage on the 11th of January, 1818. The Governor of the State was absent, but Jackson, in exactly twenty days, had 1,000 Tennesseans on the way to Florida. On the 6th of January, five days previous to getting this order, Jackson had written the President a letter, from which I make the following extracts :

“Will you, however, permit me to suggest the catastrophe that might arise by General Gaines' compliance with the last clause of your order? Suppose the case that the Indians are beaten, they take refuge either in Pensacola or St. Augustine, which open their gates to them; to profit by this victory General Gaines pursues the fugitives and has to halt before the garrison until he can communicate with his Government. In the meantime the militia grows restless, and he is left to defend himself by the regulars. The enemy, with the aid of their Spanish friends and Woodbine's British partisans, or, if you please, with Aury's force, attacks him. What may not be the result? Defeat and massacre. Permit me to remark that the arms of the United States must be carried to any point within the limits of East Florida, where an army is permitted and protected, or disgrace attends.

“The executive government has ordered, and as I conceive very properly, Amelia Island to be taken possession of. This order ought to be carried into execution at all hazards,

and simultaneously the whole of East Florida seized, and held as an indemnity for outrages of Spain upon the property of our citizens. This done, it puts all opposition down, secures our citizens a complete indemnity, and saves us from a war with Great Britain, or some of the continental powers combined with Spain.

"This can be done without implicating the Government. Let it be signified to me through any channel (say Mr. J. Rhea) that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished.

"The order being given for the possession of Amelia Island, it ought to be executed, or our enemies, internal and external, will use it to the disadvantage of the Government. If our troops enter the territory of Spain in pursuit of our Indian enemy, all opposition that they meet with must be put down, or we will be involved in danger and disgrace.

"I have the honor, etc.,

ANDREW JACKSON.

"Hon. JAMES MONROE,

"President of the United States."

The reader is now prepared to see the President's letter to General Jackson, from which I make the following extracts :

"Your letters to the department were written in haste, under the pressure of fatigue and infirmity, in a spirit of conscious rectitude, and, in consequence, with less attention to some parts of their contents than would otherwise have been bestowed on them. The passage to which I particularly allude, from memory, for I have not the letter before me, is that in which you speak of the incompetency of an imaginary boundary to protect us against the enemy — the ground on which you bottom all your measures. This is liable to the imputation that you took the Spanish posts for that reason, as a measure of expediency, and not on the account of the misconduct of the Spanish officers. The effect of this and such passages, besides other objections to them, would be to invalidate the ground on which you stand and furnish weapons to adversaries who would be glad to

seize them. If you think proper to authorize the Secretary or myself to correct those passages, it will be done with care, though, should you have copies, as I presume you have, you had better do it yourself.

"The policy of Europe respecting South America is not yet settled. A congress of the allied powers is to be held this year (November is spoken of) to decide that question. England proposes to restore the colonies to Spain, with free trade and colonial governments. Russia is less favorable, as are all the others. We have a Russian document, written by the order of the Emperor, as the basis of instructions to his ministers at the several courts, speaking of the British proposition favorably, but stating that it must be considered and decided on by the allies, and the result published, to produce a moral effect on the colonies, on the failure of which force is spoken of. The settlement of the dispute between Spain and Portugal is made a preliminary. We partake in no councils whose object is not their complete independence. Intimations have been given us that Spain is not willing, and is even preparing for war with the United States, in the hope of making it general, and uniting Europe against us and her colonies, on the principle that she has no hope of saving them. Her pertinacious refusal to cede the Floridas to us heretofore, though evidently her interest to do it, gives some coloring to the suggestions. If we engage in a war, it is of the greatest importance that our people be united, and, with the view that Spain commence it; and, above all, that the Government be free from the charge of committing a breach of the Constitution.

"I hope that you have recovered your health. You see that the state of the world is unsettled, and that any future movement is likely to be directed against us. There may be very important occasions for your services, which will be relied on. You must have the object in view, and be prepared to render them. I am, etc.

"JAMES MONROE."

"NASHVILLE, August 9, 1818.

"*Sir*: Your letter of the 19th of July, apprizing me of the course to be pursued in relation to the Floridas, has been received. In a future communication it is my intention to

submit my views of all the questions springing from the subject, with the fullness and candor which the importance of the topic, and the part I have acted in it, demand. At present I will confine myself to the consideration of a part of your letter, which has a particular bearing on myself, and which seems to have originated in a misconception of the import of the order under which I have commenced the Seminole Campaign. In making this examination I will make use of all the freedom which is courted by your letter, and which I deem necessary to afford you a clear view of the construction which was given to the order, and the motives under which I proceeded to execute its intentions.

"It is stated in the second paragraph of your letter that I transcended the limits of my order, and that I acted on my own responsibility.

"To these two points I mean at present to confine myself. But, before entering on a proof of their applicability to my acts in Florida, allow me fairly to state that the assumption of responsibility will never be shrunk from when the public good can thereby be promoted. I have passed through difficulties and exposures for the honor and benefit of my country; and whenever still, for this purpose, it shall become necessary to assume a further liability, no scruple will be urged or felt. But when it shall be required of me to do so, and the result be danger and injury to that country, the inducement will be lost, and my consent will be wanting.

"This principle is held to be incontrovertible, that an order generally, to perform a certain service or effect a certain object, without any specification of the means to be adopted, or limits to govern the executive officer, leaves an entire discretion with the officer as to the choice and application of means, but preserves the responsibility for his acts on the authority from which the order emanated. Under such an order, all the acts of the inferior are acts of the superior; and in no way can the subordinate officer be impeached for his measures, except on the score of deficiency in judgment and skill. It is also a grammatical truth, that the limits of such an order cannot be transcended without an entire desertion of the objects it contemplated; for so long as the main legitimate design is kept in view, the policy of the measures adopted to accomplish it is alone to be con-

sidered. If these be adopted as the proper rules of construction, and we apply them to my order of December 26, 1817, it will be at once seen that, both in description and operative principle, they embrace that order exactly. The requisitions of the order are for the commanding general to assume the immediate command at Fort Scott; to concentrate all the contiguous and disposable force of the division on that quarter; to call on the executive of adjacent States for an auxiliary militia force; and concludes with this comprehensive command: 'With this view you may be prepared to concentrate your forces, and adopt the necessary measures to terminate a conflict, which it has ever been the desire of the President, from motives of humanity, to avoid, but which is now necessary by their settled hostility.'

"In no part of this document is there a reference to any previous order, either to myself or another officer, with a view to point to me the measures thought advisable, or the limits of my power in choosing and effecting them. It states that General Gaines has been ordered to Amelia Island, and then proceeds to inform me that old subsequent orders have been given to General Gaines (of which copies will be furnished you), that you would be directed to take the command, and directing him to reassume, should he deem the public interest to require it, the command at Fort Scott, until you should arrive there.' Lastly, it mentions that he was instructed to penetrate the Seminole towns through the Floridas, provided the strength of his command at Amelia would justify his engaging in offensive operations. The principle determining the weight of references in subsequent orders, to instructions previously given, is well settled. Such references are usually made with one of these two intentions—either the order is given to a second officer to effect a certain purpose, which was intended to be affected by another officer, and the instructions of the first are referred to as the guide of the second; or the order contains and is designed for an extension of authority, and only refers to anterior communications to give a full view of what had been previously attempted and performed. In the first case it is always necessary to connect the different instructions by a specific provision, that no doubt may exist as to the extent of the command; and thus the several requi-

sitions and instructions are amalgamated, and the limits of the agent plainly and securely established. In the second, no such provision is necessary; for an entire discretion in the choice and use of means being previously vested, the reference, if there be any, is only descriptive of the powers antecedently given, and the results of measures attempted under such special limitation. But admitting that, in my order of December 26, 1817, there is such a reference as I contemplated in the first case, allow me to examine its character and amount. It is stated that orders have been given to General Gaines (copies of which will be furnished you), but without affirming that they are to be considered as binding on me, or in any way connected with the comprehensive command that I should terminate the Seminole conflict. On the contrary, so far are they from being designated as my guide and limits in entering Florida, that, in stating their substance in the ensuing sentence, no allusion whatever is made either to means or limitation.

“How, then, can it be said with propriety that I have transcended the limits of my orders, or acted on my own responsibility? My order was as comprehensive as it could be, and contained neither the minute original instructions, nor a reference to others previously given to guide and govern me. The fullest discretion was left with me in the selection and application of means to effect the specified legitimate objects of the campaign; and for the exercise of a sound discretion on principles of policy am I alone responsible. But allow me to repeat, that responsibility is not feared by me, if the general good requires its assumption. I never have shrunk from it, and never will; but against its imposition on me contrary to principle, and without the prospect of any political result, I must contend with all the feelings of a soldier and a citizen. Being advised that you are at your country seat in Loudon, where I expect this will reach you, I enclose a copy of the order of the 26th of December, 1817, and copies of the orders of General Gaines therein referred to; from a perusal of which you will perceive that the order to me has no reference to those prohibitory orders to General Gaines that you have referred to.

“It will afford me pleasure to aid the Government in procuring any testimony that may be necessary to prove the

hostility of the officers of Spain to the United States. I had supposed that the evidence furnished had established that fact—that the officers of Spain had identified themselves with our enemy, and that St. Marks and Pensacola were under the complete control of the Indians, although the Governor of Pensacola at least had force sufficient to have controlled the Indians, had he chosen to have used it in that way. For the purpose of procuring the necessary evidence of the hostile acts of the Governor of Pensacola, I dispatch Captain Young, topographical engineer, and as soon as obtained it will be furnished you. I trust, on a view of all communications (copies of which have been forwarded by Captain Gadsen), you will find that they do not bear the construction you have given them. They were written under bad health, great fatigue, and in haste. My bad health continues; I labor under great debility.

“Accept assurances of my sincere regard and esteem; and am, respectfully, your most obedient servant,

“ANDREW JACKSON.

“JAMES MONROE,

“*President of the United States.*”

The words of this letter referring to all his previous communications to the President—when he says—“they were written under bad health, great fatigue, and in haste,” show that he did his own writing, and this letter is truly characteristic of his great ability in dealing with matters of public interest.

CHAPTER XXXVIII.

THE FIGHT AGAINST JACKSON IN CONGRESS OVER HIS CONDUCT IN THE SEMINOLE WAR—MR. CLAY THE LEADER IN THE DEBATE—SCHURZ'S ACCOUNT OF CLAY'S SPEECH—POINDEXTER'S SPEECH IN DEFENSE OF JACKSON—APOSTROPHE TO STATES—COURSE OF MR. ADAMS—RESULT OF THE DEBATE IN THE HOUSE OF REPRESENTATIVES—NILES' OPINION OF JACKSON.

MORE than any great man of this or any other country, General Jackson's life, from infancy to the grave, was one of conflicts, as well as courage in duty.

It commenced with a boy's resistance to a British officer's order to do menial service in a loathsome jail, reaching death's door with the smallpox, and ended when his beloved home county had become overwhelmingly Whig on the bank question under the lead of Mr. Bell, and he was rapidly nearing the final wind-up. An esteemed friend, Edwin W. Hickman, went out to see him and advise with him about accepting a nomination for the Legislature against such odds, for the Whigs were in a great majority in the county. "Yes," said the old no-compromise fighter, lying on the bed from which he never got up, "Yes; if there are only two Democrats in the county, let one run for the Legislature and let the other one vote for him."

His one friend did run, and, though not elected, he got a surprisingly large Democratic vote. His canvass, his battle cry, was the "man who had lived for his country;" but when the canvass ended the great soldier was in his grave.

In all the great man's conflicts—on the field, in the Cabi-

net, before the people, or defending himself against the assaults of aspiring politicians—nothing ever so developed and signalized the spirit that was in him and so crowned him with victory as his fight against the allied powers on his Seminole Campaign in 1818. The allied powers—no other words convey to the mind a just conception of this assault; this effort to break down the man of destiny.

The allied powers were headed by Mr. Clay in Congress and by Mr. Calhoun in the Cabinet, two aspirants for the Presidency, and both bent on getting in as no other man had been; two civilians who, without war records, reached higher in their respective parties and had a larger and more earnest following in their aspirations than any former aspirants who had not been military men.

What took place in the Cabinet remained a secret for twelve years, and up to which time General Jackson and Mr. Calhoun were to the world and to each other the greatest of friends; but when, at the end of the twelve years, what the position of the several members of the Cabinet, of Mr. Monroe, had come to be known—General Jackson being President and Mr. Calhoun Vice-President, and both aspirants for the successorship—it produced a most profound impression, broke up General Jackson's Cabinet, and fairly shook the pillars out from under the dominant party. It was a party crash, the like of which has never been known before, nor has it since.

This explosion, however, is reserved for another chapter, when I shall give all the facts—facts which it appears to me show a more intense, desperate, and groundless effort to destroy General Jackson, acknowledged by every one of the allies to be a patriot, than can be found in all the history of cabals in a struggle for power.

But I go back to the fight made against General Jackson in Congress, and in this there was a plausibility, a *prima facie* showing, which was swept away when the secrets of the

Cabinet were brought to light. When a member of Mr. Monroe's Cabinet, in the interest of truth and fairness, disclosed the long-hidden official secrets (and for which Mr. Calhoun never forgave him), a new battle had to be fought out; that is, what was done in the Seminole Campaign—whether the Administration or the soldier in the field was responsible for it—and a set of facts was then brought to light, involving flat and direct contradictions between members of the Cabinet, and a shirking of responsibility from threatened issues of a serious nature with both England and Spain, not creditable to the administration, but with one man standing out in sublime courage and saying, "I am not afraid of monarchs, I have done no wrong; I will make no compromise with truth; I will tell it and prove it."

It was here that General Jackson was bigger and braver, and his stand more completely Jacksonian, if possible, than when he led 5,300 Tennesseans against Wellington's 12,000 veterans at New Orleans.

When in the right—and he always knew what the right was — his conviction of a final victory was close akin to his knowledge after the victory was won; and so, in the right, there was no compromise with him, no matter who stood before him nor what threatened.

Mr. Clay was not the author of the resolution that brought on the debate in the House of Representatives. The resolutions were reported by the Military Committee, but he was the leader in a debate that lasted three weeks. At that time the relations between Clay and Jackson were kindly, but the arraignment of General Jackson was much like the masterwork of a great prosecuting attorney with his heart set on convicting and consigning to prison and shame a great felon. The speech of Mr. Clay was always regarded as one of his greatest efforts.

Up to this time, it is well to relate, Jackson and Clay had not only been on good terms, but were great friends. One

had left North Carolina, and the other came from Virginia, when very young; one had risen to be the great General of the Southwest, the other to be the beloved great statesman; one, by a single speech, had brought on the war of 1812, the other had fought it out. They both had an eye on the presidency.

Mr. Schurz gives this account of the speech of Mr. Clay: "He had no personal feeling against General Jackson. On the contrary, he was sincerely and profoundly grateful to the man who, after all the disgraceful failures of the war of 1812, had so brilliantly restored the lustre of the American arms, and enabled him to go to England without mortification. But as a friend of constitutional government, he felt that he could not possibly approve of the General's lawless conduct in Florida. There is no reason to attribute the position he took to any but conscientious motives. But he was an aspirant for the presidency, and known to be such, while Jackson, too, was beginning to be whispered about as a possible candidate for that honor. Would not a frank expression of his views on Jackson's conduct appear like an attempt to injure a dreaded rival? It dawned upon him that his unnecessary flings at the Monroe Administration had subjected his motives to suspicion, and thus, while attacking, he felt himself on the defensive. He began with an almost painful effort to retrieve the ground which he feared he had lost in the confidence of the House and the country. 'In rising to address you, sir,' he said, 'I must be allowed to say that all inferences drawn from the course which it will be my painful duty to take in this discussion, of unfriendliness either to the Chief Magistrate of the country or to the illustrious military chieftain whose operations are under investigation, will be wholly unfounded. Toward that distinguished Captain who shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had, I never can have, any other feelings

than those of the most profound respect and of the utmost kindness. I know the motives which have been, and will again be, attributed to me in regard to the other exalted personage alluded to. They have been, and they will be, unfounded. I have no other interest than that of seeing the concerns of my country well and happily administered. Rather than throw obstructions in the way of the President, I would precede him and pick out those, if I could, which might jostle him in his progress. I may be again reluctantly compelled to differ from him, but I will with the utmost sincerity assure the committee that I have formed no resolution, come under no engagements, and that I never will form any resolution, or contract any engagements, for systematic opposition to his administration, or to that of any other chief magistrate.' "

This might have been sufficient to disarm suspicion had he not been believed to have an eye toward the presidency. He arraigned General Jackson's conduct with dignity and a certain degree of moderation. He emphatically acquitted him of "any intention to violate the laws of his country or the obligations of humanity." He declared himself far from wishing to intimate that "General Jackson cherished any design inimical to the liberties of the people." He believed the General's intentions to be pure and patriotic, but he denounced the hanging of Indian chiefs without trial, "under color of retaliation," as utterly unjustifiable and disgraceful. He admitted retaliation as justifiable only when "calculated to produce an effect in the war," but never on the motive of mere vengeance. As to Arbuthnot and Ambrister, whether they were innocent or guilty, he utterly rejected the argument by which Jackson tried to justify their execution, namely, "that it is an established principle of the law of nations that any individual of a nation making war against the citizens of any other nation, they being at peace, forfeits his allegiance and becomes an outlaw and a pirate."

He maintained that "whatever may be the character of individuals making private war, the principle is totally erroneous when applied to such individuals associated with a power, whether Indian or civilized, capable of maintaining the relations of peace or war." He showed that Jackson's doctrine would make every foreign subject serving in an American army an outlaw and a pirate; he might have cited Lafayette and Steuben. This was the moral he drew:

"However guilty these men were, they should not have been condemned or executed without the authority of law. I will not dwell on the effect of these precedents in foreign countries, but I shall not pass unnoticed their dangerous influence in our own. Bad examples are generally set in the case of bad men, and often remote from the central government. It was in the provinces that were laid the seeds of the ambitious projects which overturned the liberties of Rome."

He affirmed that Jackson, going far beyond the spirit of his instructions, had not only assumed, by an unauthorized construction of his own, to determine what Spain was bound by treaty to do, but had "also assumed the power, belonging to Congress alone, of determining what should be the effect and consequence of her breach of engagement;" and then he had seized the Spanish forts and thus usurped the power of making war, which the Constitution had "expressly and exclusively" vested in Congress, "to guard our country against precisely that species of rashness which has been manifested in Florida."

A glowing peroration followed, protesting against "the alarming doctrine of unlimited discretion in our military commanders," and pointing out how other free nations, from antiquity down, had lost their liberties, and how we might lose ours. "Are former services," he exclaimed, "however eminent, to preclude even inquiry into recent conduct? Is there no limit, no prudential bound, to the nation-

al gratitude? I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the General the public thanks; they may carry him triumphantly through this House. But if they do so, it will be a triumph of the principle of insubordination; a triumph of the military over the civil authority; a triumph over the powers of this House; a triumph over the Constitution of the land. And I pray most devoutly to heaven that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people."

The leading speech against adopting the report of the committee was made by Mr. Poindexter, of Mississippi. He spoke three hours, and concluded as follows:

"The gentleman's common law," he continued, "will not do for the freemen of the United States; it is unique and absurd. Sir, if the committee will pardon the digression, this novel idea of common law reminds me of an occurrence which is said to have happened in the early period of the settlement of the present polite and flourishing State of Kentucky. A man in personal combat deprived his antagonist of the sight of an eye by a practice familiar at that day called gouging. The offender was prosecuted and indicted for the outrage. He employed counsel to defend him, to whom he confessed the fact. 'Well, sir,' said the lawyer, 'what shall I say in your defense?' 'Why, sir,' said he, 'tell them it is the custom of the country!' And I presume if the honorable speaker had presided on the trial he would have said, 'Gentlemen of the jury, it is the common law of Kentucky, and you will find a verdict for the defendant.'

"But, sir, to be serious, let me bring the case home to the honorable speaker himself. Suppose a land of these barbarians, stimulated and excited by some British incendiary, should at the hour of midnight, when all nature is wrapt in darkness and repose, sound the infernal yell and enter the

dwelling of that honorable gentleman, and in his presence pierce to the heart the wife of his bosom and the beloved and tender infant in her arms — objects so dear to a husband and father — would he calmly fold his arms and say, ‘Well, ’tis hard, but it is the common law of the country, and I must submit?’ No, sir; his manly spirit would burn with indignant rage and never slumber till the hand of retributive justice had avenged his wrongs.

“Mercy to him who shows it is the rule
And righteous limitations of the act
By which heaven moves in pardoning guilty man;
And he that shows none, being ripe in years
And conscious of the outrage he commits,
Shall seek it, and not find it, in his turn.

“I have no compassion for such monsters as Arbuthnot and Ambrister—their own country is ashamed to complain of their fate. The British Minister here has disavowed their conduct and abandoned their cause; and we, sir, are residuary legatees of all the grief and sorrow felt on the face of the globe for these two fallen murderers and robbers. For I call him a murderer who incites to murder.

“Mr. Chairman, I am not the eulogist of any man; I shall not attempt the panegyric of General Jackson; but if a grateful country might be allowed to speak of its merits, Louisiana would say: ‘You have defended our Capitol against the veteran troops of the enemy, by whom it would have been sacked and our dwellings enveloped in flames over the heads of our beloved families.’

“Georgia: ‘You have given peace to our defenseless frontier, and chastised our ferocious, savage foe, and the perfidious incendiaries and felons by whom they were excited and counseled to the perpetration of their cruel deeds. You have opened additional territory to our rich and growing population, which they may now enjoy in peace and tranquillity.’

“Alabama and Mississippi: ‘You have protected us in the time of our infancy and in the moment of great national peril against the inexorable Red Sticks and their allies; you have compelled them to relinquish the possession of our lands, and ere long we shall strengthen into full manhood under the smiles of a beneficent Providence.’

“The whole Western country: ‘You have preserved the great emporium of our vast commerce from the grasp of a powerful enemy; you have maintained for our use the free navigation of the Mississippi at the hazard of your life, health, and fortune.’

“The nation at large: ‘You have given glory and renown to the arms of your country throughout the civilized world, and have taught the tyrants of the earth the salutary lesson that in the defense of their soil and independence freemen are invincible.’

“History will transmit these truths to generations yet unborn, and should the propositions on your table be adopted, we, the representatives of the people, subjoin: ‘Yes, most noble and valorous Captain, you have achieved all this for your country; we bow down under the weight of the obligation which we owe you, and as some small testimonial of your claim to the confidence and consideration of your fellow-citizens, we, in their name, present you the following resolutions:

“‘*Resolved*, That you, Major General Andrew Jackson, have violated the Constitution which you have sworn to support, and disobeyed the orders of your superior, the Commander-in-Chief of the Army and Navy of the United States.

“‘*Resolved*, That you, Major General Andrew Jackson, have violated the laws of your country and the sacred principles of humanity, and thereby prostrated the national character in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister for the trifling and unimpor-

tant crime of exciting the savages to murder the defenseless inhabitants of the United States.

“ ‘Accept, we pray you, sir, of these resolves; go down to your grave in sorrow, and congratulate yourself that you have not served this great republic in vain.’ ”

“Greece had her Miltiades, Rome her Belisarius, Carthage her Hannibal, and may we, Mr. Chairman, profit by the example.

“Sir, if honorable gentlemen are so extremely solicitous to record their opinion of this distinguished General, let us erect a tablet in the center of our Capitol Square; let his bust designate the purpose; thither let each man repair and engrave the feelings of his heart. And, sir, whatever may be the opinion of others, for one I should not hesitate to say, in the language of the sage of Monticello, ‘Honor and gratitude to him who has filled the measure of his country’s glory!’ ”

The course of Mr. Adams, Secretary of State, is difficult to understand. In his diary he shows that he acted with the other members of the Cabinet in censuring General Jackson, rather than have a divided Cabinet, but pointed out the dilemma in which the Cabinet was placed. And he further showed “that the mischief of the decision is: 1, weakness and confession of weakness; 2, A disclaimer of power in the executive is of dangerous example and of evil consequence; 3, There is injustice to the officer in disavowing him, when in principle he is strictly justifiable.”

But Mr. Adams was at his best in reply to Pizaro, the Spanish Minister, who made certain demands on the Government. This reply was intended for both Spain and England.

Mr. Rush, who was the American Minister to the Court of St. James, reported that England was doing some loud talking about the backwoods General executing Arbuthnot and Ambrister. This reply commences with Colonel Nich-

ols and Captain Woodbine organizing the Indians in 1814 at Pensacola, in concert with the Spanish Governor, to prosecute a war under the black flag against the frontiers, murdering women and children; how, after the treaty of Ghent, he went back from England into Florida, organized the runaway negroes and led the Indians; that he assured the Cherokees and Seminoles that they were entitled to the land in the Jackson treaty of 1815, and that Arbuthnot and Ambrister had followed him and were his instruments in stirring up the Indians; and it says that no sooner did Arbuthnot make his appearance to carry out the plans than the people on the frontiers, men, women and children, were murdered, and all manner of depredation committed.

In this narrative, an official reply to the Spanish Minister, Mr. Adams says:

“Is this narrative of dark and complicated depravity, this creeping and insidious war, both against Spain and the United States, this mockery of patriotism, these political philters to fugitive slaves and Indian outlaws, the perfidies and treacheries of villains incapable of keeping their faith, even to each other, all in the name of South American liberty, of the rights of runaway negroes and the wrongs of savage murderers—all combined and projected to plunder Spain of her provinces and to spread massacre and devastation along the borders of the United States; is all this sufficient to cool the sympathies of his Catholic Majesty’s Government, excited by the execution of these two subjects of a power in amity with the king? The Spanish Government is not at this day to be informed that, cruel as war in its mildest forms must be, it is, and necessarily must be, doubly cruel when waged with savages; that savages make no prisoners but to torture them; that they give no quarter; that they put to death without discrimination of age or sex; that these ordinary characteristics of Indian warfare have been applicable in their most heart-sickening horrors to that

war left us by Nichols as his legacy, reinstigated by Woodbine, Arbuthnot, and Ambrister, and stimulated by the approbation, encouragement, and the aid of the Spanish commandant at St. Mark's."

In view of a treaty of stipulation that Spain would control the Indians in Florida, Mr. Adams went further and said: "If the necessities of self-defense should again compel the United States to take possession of the Spanish forts and places in Florida (in the decision by the Cabinet the forts taken by Jackson had been restored to Spain), it was due to Spain that the United States should declare with the candor and frankness that becomes us, that another unconditional restoration of them must not be expected; that even the President's confidence in the good faith and ultimate justice of the Spanish Government will yield to the painful experience of continual disappointment; and that, after unwearied and almost unnumbered appeals to them for the performance of their stipulated duties in vain, the United States will be reluctantly compelled to rely for protection of their borders upon themselves alone."

It is said this reply of Mr. Adams to the Spanish Minister created a profound impression. Writers of that period say it prevented war, and it is true that after it was published both Spain and England quieted down.

Mr. Jefferson, from his home at Monticello, wrote Mr. Adams, praising it, complimenting the Secretary of State, and recommending that it be translated into the languages of Europe and sent to every European court.

At the end of a three-weeks' debate in the committee of the whole, the House of Representatives, by an overwhelming majority, sustained General Jackson in all he did. The debate had aroused the country, and the people in all parts of the United States had taken it up, and it can truly be said that the people, speaking through the House of Representatives, indorsed what Jackson had done.

On invitation, General Jackson visited Philadelphia, New York, Boston, and Baltimore, to find an outpouring of the people surpassing anything that had ever been shown him or any other public man.

On his return he found the Senate had taken up the question under resolutions that had been previously offered and referred to a committee. Mr. Calhoun had a long conversation with the chairman of the committee, Mr. Lacock, and a report strongly condemning General Jackson had been reported, but upon General Jackson's statement and the evidence he furnished, the Senate abandoned it without a vote by laying it on the table, never to be taken up.

The opinion of General Jackson at this time among the people, and when he was standing in manly fashion against the allies, is well expressed by the venerable Mr. Niles, in *Niles' Register*, as follows:

"General Jackson is a more extraordinary person than has ever appeared in our history. Nature has seldom gifted man with a mind so powerful and comprehensive, or with a body better formed for activity or capable of enduring greater privations, fatigue, and hardships. She has been equally kind to him in the quality of his heart.

"General Jackson has no ambition but for the good of his country; it occupies the whole of his views, to the exclusion of all selfish or ignoble considerations. Cradled in the War of the Revolution, nurtured amid the conflicts that afterwards took place between the Cherokee Indians and the Tennesseans, being always among a people who regard the application of force not as the *ultima ratio regum*, but as the first resort of individuals, and who look upon courage as the greatest of human attributes, his character on this stormy ocean has acquired an extraordinary cast of vigor—a belief that anything within the power of man to accomplish he should never despair of effecting, and a conviction that courage, activity, and perseverance can overcome what,

to an ordinary mind, would appear insuperable obstacles. In society he is kind, frank, unaffected, and hospitable, endowed with such natural grace and politeness, without the mechanical gentility and artificial flimsy polish to be found in fashionable life.

“Among the people of the West his popularity is unbounded; old and young speak of him with rapture, and at his call 50,000 of the most efficient warriors on this continent would rise armed and ready for an enemy.

“Having entered the military service of his country at a late period in life, General Jackson appears unaware of the necessity of strict discipline and subordination; and being utterly fearless of responsibility himself, and always taught to believe that his personal liability would be a justification of his conduct, he does not sufficiently reflect how intimately the character of the country is associated with his own, now he is an officer; and that, although he may freely offer his personal sacrifice, yet it places the Government in a most delicate situation to accept of it.”

This was a splendid compliment, but the veteran editor knew but little of the General's idea of preparing an army for service. No man that ever commanded an army on the continent was a more rigid disciplinarian than he. He was himself a great student of military tactics, and through all his wars General Carroll was his reliance by hard training. No army did more work than Jackson's under Carroll.

CHAPTER XXXIX.

ACTION OF CONGRESS ON THE JACKSON RESOLUTIONS—"THE EXPOSITION"—JACKSON'S DEFENSE—MR. BENTON ON THE ISSUES BETWEEN THE GOVERNMENT AND GENERAL JACKSON—OTHER EVIDENCE FAVORABLE TO JACKSON—AS TO JACKSON'S RESPONSIBILITY—CALHOUN'S LETTER FROM CRAWFORD—CRAWFORD'S LETTER TO FORSYTHE—RECAPITULATION OF THE FACTS IN THE CONTROVERSY.

THE Seminole Campaign conflict was not ended, as shown when the three weeks' debate in the House closed and the vote was taken on the resolutions and Jackson fully sustained, nor when the Senate abandoned the further consideration of the resolutions. On the contrary, the future had in store a political upheaval whose ramifications embrace the disclosure of a Cabinet secret involving issues of a highly sensational nature, not to say startling contradictions among Cabinet officers, and inexplicable conduct on the part of Mr. Calhoun towards General Jackson. It was the touching of a match to a Cabinet secret that had slept for twelve years that brought on the witness stand in 1831 the members of Mr. Monroe's Cabinet as to the secret of 1818, involving contradictions which it is impossible to explain or reconcile, and a final separation, a breach never to be healed, between the then President and Vice-President, whose public relations and private intercourse had been marked by all the signs of mutual esteem and warm-hearted friendship; one being all that time cognizant of the combustible material that rested so inoffensively in the repose and quiet of Cabinet secrets, while the other was placid but warm-hearted in his ignorance.

When the explosion came the discrepancies in the recollections of the Cabinet startled the country and set old friends to glaring at each other. General Jackson being President and Mr. Calhoun Vice-President, Jackson's Cabinet were more or less involved in the abrupt disturbance of the relations between the two high officials, and to such an extent that Jackson — wise as he was, and knowing that a President's Cabinet was a family, on the harmony and good feeling of which the success of his administration depended — did perhaps what no other man would have done, but what was truly Jacksonian. He called up two members of his Cabinet who were devoted friends, and without ceremony, said: "Gentlemen, I want you to resign." Without delay they sent in their resignations. Thereupon the other members of the Cabinet asked General Jackson what he wanted them to do. He said, "I want you to resign." So the letters were all sent in and Jackson wrote each one of them a reply, giving them his assurance of respect and confidence and good wishes, and the President was without advisers.

This much of the history is given here to make intelligible the question now being discussed. With more detail the breaking up of the Cabinet and the appointment of a new one will be shown when we reach that historic period, only here remarking that the social relations of the families of his Cabinet officers had nothing to do with it; and that Mrs. Eaton had anything to do with it is the merest fiction, and to say further that in the appointment of the new Cabinet Jackson showed that he was not after clerks for a Cabinet. His new Cabinet was made up of the biggest men in the country.

But to return to the matter under consideration. The action of Congress on the resolutions — one House voting them down and the other House abandoning them — was manifestly satisfactory to the country. The press was out-

spoken, and perhaps at no time in his life was Jackson more popular with the people. Wherever he went he found a grateful country doing him honor, and the attack was a complete breakdown.

This was most gratifying, for nothing in all his public career had cut so deep as this assault, pushed as it was to the bitter end by certain great leaders.

To understand this feeling on his part and to appreciate the eruption to come, the reader should turn back and read the correspondence between President Monroe and General Jackson, in which the President made the General the proposition to take back the report of the campaign which he had already made and modify it — in effect proposing to General Jackson to, himself, assume the responsibility of the campaign, and that in this he should have the backing of the Government, clearly indicating that the Government could protect him and would thereby keep out of trouble with Spain, but which proposition General Jackson declined, giving his reasons. General Jackson, in part, made reply, explaining his position, but much more fully in a paper hereafter shown, to wit: "The Exposition."

General Jackson's defense was based on two grounds:

1. That he was sent to Florida with full authority and discretion, and his orders were to end the war as speedily as possible. This being so, he was the agent of the Government, and without limitations, and therefore in the absence of his superior he could do whatever the superior — the Government — might do to bring the war to a close, being only responsible for an abuse of the discretion; and that, therefore, the Government was bound by what he did. That he was right in this, every well informed lawyer knows, and indeed Mr. Monroe made no reply to it.

The eruption which this produced was widespread, leading up to consequences which were lasting, and, all in all, not creditable to President Monroe nor to his Cabinet.

Ungracious as is the task, it is due to the truth of history, and especially to the memory and character of General Jackson, that there shall now be, even at this late day, a succinct and corrected statement of all the facts relative to the action of the Cabinet on the proceeding instituted by Mr. Calhoun. While General Jackson was not arrested, and no steps were taken to punish him, it resulted in resolutions of censure for his conduct in the Seminole Campaign, and to a lasting rupture with Calhoun, and the formation of an alliance as strange as it was powerful — strange, because at the head and in the lead were Mr. Clay, Mr. Calhoun and Mr. Webster, with all the force they could command, and which united force was propelled by a union of leaders more or less hostile to each other in everything except in the combination against Jackson. These otherwise inharmonious elements drew strength and developed into a compact political power in the great national bank issue intended to put Jackson where he would cease to be troublesome. This powerful combination practically remained solid through the three great struggles of the politicians against General Jackson — the Seminole War charges, the great bank issue, and Mr. Benton's expunging resolutions.

Mr. Benton says:

"Mr. Clay, Mr. Calhoun and Mr. Webster were now all united against General Jackson, with all their friends and the Bank of the United States. The two former had their private griefs; Mr. Clay in the result of the election, and Mr. Calhoun in the quarrel growing out of the discovery of his conduct in Mr. Monroe's Cabinet; and it would have been difficult so to have conducted their opposition and attack as to have avoided the imputation of a personal motive. But they so conducted it as to authorize and suggest that imputation. Their movements all took a personal and vindictive, instead of a legislative and remedial, nature."

There can be no just appreciation of the issues between

the Government and General Jackson, ending in the consequences herein shown, except upon a clear understanding of the import and meaning of the three letters published in Chapter XXXVIII — that is, General Jackson's letter of the 6th of January, 1818, Mr. Monroe's letter of the 19th of July, 1818, and General Jackson's reply of the 9th of August, 1818.

These letters, written in 1818, came up for consideration in 1830, and were found to be speaking witnesses in a series of conflicts which were intended to break down and put out of the way of smaller men the immortal hero of New Orleans, but in which he nobly triumphed, leaving the combination against him in frightful dilapidation with a great big account of cross-firing to settle among themselves.

The letter of General Jackson of the 6th of January was notable and impressive on three points: First, that the order which had been given to General Gaines to stop the pursuit of the Indians when they took shelter in the Spanish forts and confer with the Government, would bring disaster, and he said:

"Suppose the case that the Indians are beaten; they take refuge either in Pensacola or St. Augustine, which open their gates to them; to profit by his victory, General Gaines pursues the fugitives, and has to halt before the garrison until he can communicate with his Government. In the meantime the militia grow restless, and he is left to defend himself by the regulars. The enemy, with the aid of their Spanish friends and Woodbine's British partisans, or, if you please, with Aury's force, attacks him. What may not be the result? Defeat and massacre! Permit me to remark that the arms of the United States must be carried to any point within the limits of East Florida where an enemy is permitted and protected, or disgrace attends."

The other two points are embraced in the following:

"The executive government has ordered, and as I con-

ceive very properly, Amelia Island to be taken possession of. This order ought to be carried into execution at all hazards, and simultaneously the whole of East Florida seized, and held as an indemnity for the outrages of Spain upon the property of our citizens. This done, it puts all opposition down, secures our citizens a complete indemnity, and saves us from a war with Spain. This can be done without implicating the Government. Let it be signified to me through any channel (say J. Rhea) that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished. The order being given for possession of Amelia Island, it ought to be executed, or our enemies, internal and external, will use it to the disadvantage of the Government. If our troops enter the territory of Spain in pursuit of our Indian enemy, all opposition that they meet with must be put down or we will be involved in danger and disgrace."

Shortly after the letter of the 6th of January, General Jackson received his orders from the President, commanding him to take command in Florida, and in his letter of the 9th of August, 1818, heretofore published, Jackson quotes the order issued to him, and on which he acted, as follows:

"The requisitions of the order are for the Commanding General to assume the immediate command of Fort Scott, to concentrate all the contiguous and disposable force of the division on that quarter, to call on the executive of adjacent States for an auxiliary militia force; and concludes with this comprehensive command: 'With this view you may be prepared to concentrate your forces, and adopt the necessary measures to terminate a conflict which it has ever been the desire of the President, from motives of humanity, to avoid, but which is now necessary by their settled hostility.'"

It was after the campaign was ended and General Jackson had returned home, and both the English and Spanish Governments were raising questions, that the Government pro-

posed to put the responsibility of the Seminole Campaign on the General in command, and be able to show those Governments that the Cabinet had unanimously and with the approval of the President, condemned the General in command. The letter of Mr. Monroe is a direct proposition to General Jackson to amend his report so as to let the Government out.

General Jackson refused to be a party to the proposition, although the Government would protect him in what he did. He defended himself and his Government, and upon the ground which Mr. Adams, as Secretary of State, afterwards did in his reply to the Spanish Minister — that what had been done was lawful and necessary in self-defense. “But then,” he said, “if the Government wants to deal with me for an indiscretion, all right; I will meet that. But, in the first place, the order given was for the General to take command of the army and put an end to the war as speedily as possible; therefore, my acts were the acts of the Government, and if the Government can protect me in what I did, it can defend my acts as its agent.

“But,” said he, “before I moved an army into Florida, knowing what this war was — a war of the Indians, with British emissaries leading them, and the Spaniards giving them protection in their forts — I wrote the President on the 6th of January that, when the Indians took shelter in the Spanish forts, they must be pursued into the forts and the country taken possession of, and I told him in that letter that if he did not want to make an order on me to advance and take possession, to suggest to John Rhea, a member of Congress, and let him write me.”

Now, the President did say to Mr. Rhea to write and say he approved the plan suggested. Mr. Rhea did write, and after it was all over Jackson got word from the President to tear up that letter. He did it, and made the entry opposite the letter of the 6th of January on his letter book. Then

he brought Mr. Rhea and proved that he wrote the letter, and also proved by Judge Overton that he saw it. After the war was over and Jackson's course was made the subject of threatening criticism by both Spain and England, something was said about the letters of the 6th of January in the Cabinet, when Mr. Monroe said he had no recollection of getting such a letter. But Mr. Monroe said that if he had such a letter he could find it, and brought it out.

The position of the Cabinet was that this letter had not been answered. Could anything be more incompatible with official duty in that highest of all trusts committed to the President and his Cabinet of dealing with so delicate a matter in war? Is it possible that such a letter was pigeon-holed without further notice? A letter from a General ordered into Spanish territory, giving his views and reasons as to the mode of conducting the war against hostile Indians where a question would probably arise as to the Spaniards and foreign emissaries, supposed to be parties to the cruelties of the Indians!

The letter pigeon-holed, and Jackson showing that he pursued the policy indicated in the letter, and made report of every step taken and as taken, and no order to halt — not a word of condemnation until the war is over, the army back home, and Spain comes with her grievance for taking the forts, and the Government cowardly says, "We have condemned our General who was in command!"

Jackson needed no witnesses when he showed the letter of the 6th of January, pointing out what he had done, and then said he got the letter from the man agreed on to write it, and acted upon it. He did not need witnesses, nor need he have hunted up the book to show the entry about destroying it. There was not a man in the United States that would not have believed Jackson without proof.

In a former chapter, I showed where General Jackson, in July, 1814, wrote to Mr. Monroe, Secretary of War under

Mr. Madison, asking what he should do about going to Pensacola to drive out the British and capture the Spanish Governor, who was aiding the British in organizing the Indians; but getting no reply he took the responsibility after waiting three months, and cleaned up Pensacola; and that, after it was all over, and after Jackson had whipped the British at New Orleans, an answer came approving of his suggestion; and that this answer came six months, wanting one day, after the letter was written.

I showed that Mr. Eaton, in writing the life of Jackson, had boldly said the answer was held up that the Government might answer right or wrong, depending on Jackson's success. I then said, plausible as this was, I could not make such a decision against the Government. But I now think Mr. Eaton was right.

I now call attention to the fact that in 1830 — twelve years after the action of the Cabinet censuring General Jackson and restoring the forts taken to the Spaniards — the President and Mr. Calhoun both say the letter was pigeon-holed, not answered. Stranger still, Mr. Calhoun says that, after the action of the Cabinet, this letter being mentioned, he asked the President if the letter was before the Cabinet when it acted on the Jackson resolution, and the President said it was not.

In the pamphlet Mr. Calhoun wrote, he publishes a letter to General Jackson, 27th of May, 1830, from Mr. Crawford, as follows:

“The questions involved were numerous and important. Whether you had transcended your orders; if so, what course ought to be adopted; what was the conduct of Spain and her officers in Florida; what was the state of our relations with Spain, and, through her, with the other European powers — a question, at that time, of uncommon complication and difficulty. These questions had all to be carefully examined and weighed, both separately and in connection,

before a final opinion could be wisely formed; and never did I see a deliberation in which every point was more carefully examined or a greater solicitude displayed to arrive at a correct decision. I was the junior member of the Cabinet, and had been but a few months in the administration. As Secretary of War, I was more immediately connected with the questions whether you had transcended your orders, and, if so, what course ought to be pursued. I was of the impression that you had exceeded your orders, and had acted on your own responsibility, but I neither questioned your patriotism nor your motives. Believing that where orders were transcended, investigation, as a matter of course, ought to follow as due in justice to the Government and the officer, unless there be strong reasons to the contrary, I came to the meeting under the impression that the usual course ought to be pursued in this case, which I supported by presenting fully and freely all the arguments that occurred to me."

But it was Mr. Calhoun who proposed the arrest.

But Mr. Crawford, who had been Secretary of the Treasury under Mr. Monroe, in a letter to Mr. Forsythe, dated 30th of April, 1830, says:

"My own views on the subject had undergone a material change after the Cabinet had been convened. Mr. Calhoun made some allusion to a letter the General had written to the President, who had forgotten that he had received such a letter, but said that if he had received such an one he could find it, and went directly to his cabinet and brought the letter out. In it General Jackson approved of the determination of the Government to break up Amelia Island and Galvestown, and gave it also as his opinion that the Floridas ought to be taken by the United States. He added, it might be a delicate matter for the executive to decide, but if the President approved of it, he had only to give a hint to some confidential member of Congress, say Johnny Rhea, and he would do it and take the responsibility of it on himself. I

asked the President if the letter had been answered. He replied no, for that he had no recollection of having received it. I then said that I had no doubt that General Jackson, in taking Pensacola, believed that he was doing what the executive wished. After that letter was produced, unanswered, I should have opposed the infliction of punishment upon the General, who had considered the silence of the President as a tacit consent; yet it was after this letter was produced and read that Mr. Calhoun made his proposition to the Cabinet for punishing the General."

The action of the Cabinet was not intended as relief or punishment, but simply as a pronouncement, so far as General Jackson was concerned, and therefore was offensive. It was the Government shrinking from a responsibility and implicating a brave and courageous General who had kept within the limits of the law, and besides a general authority amply sufficient, and in addition a special authority given on his own suggestion in a letter pointing out, by his foresight, what would occur, the answer to which was, and on which the Cabinet rested its action, that the letter had not been answered, which was true, but the special authority given through Mr. Rhea was not denied and could not be. A few months after this letter was received — say six months — the Cabinet hold a meeting and condemn the General, and admit that when they acted on condemning resolutions this letter was not in evidence — not considered. Unless there is some relief that I cannot see, this is a chapter in our history which every true American would be pleased to obliterate. It was like Jackson to stand acquitted and in the right, no matter who assails.

A recapitulation of the facts may help the student of history, to whom they are new, to realize their importance, and such recapitulation is more than justified, because they are the open door to what is known as the Jacksonian period. They are the foundation of the lifetime bitterness between

Clay and Jackson, breaking up a friendship as sincere as common ties and a union of efforts in the war of 1812 could make it. They severed the relations between Mr. Calhoun and General Jackson, at the time when one was President and the other Vice-President, which had been more than friendly. They shook Washington social life as never before. They dissolved the President's Cabinet. They made a Jackson party and a Calhoun party. They arrayed the forces for the great fights on the United States Bank and on the expunging resolutions. They divided the then controlling and powerful Republican party into a Jackson Republican party and a National Republican party, with Jackson and Clay the respective great leaders; and they finally led to the organization of the Whig party, that twice elected a President.

The facts which I have here given that cannot be disputed, are:

1. That General Jackson, as a Major General in the United States Army, was sent at the head of an army into a Spanish territory to do what was necessary to fight the Seminole Indians and end the war as speedily as possible.

2. That in addition to this general authority Jackson had, before he went, outlined the policy which should be pursued in Spanish territory, and the Government agreed to his theory of carrying on the war, and had Jackson notified that his plan was approved.

3. Then Jackson did what had been agreed on and in the way agreed on.

4. Then the Cabinet unanimously censured Jackson without considering the evidence on which he acted, and this was done after Jackson refused to agree to a suggestion to change the facts by amending his report so as to satisfy Spain.

CHAPTER XL.

SYNOPSIS OF THE ISSUE COVERED BY "JACKSON'S EXPOSITION"—PROOF CONCERNING CALHOUN AND CRAWFORD—BENTON'S STATEMENT IN REGARD TO THE "EXPOSITION"—THE EXACT POINTS INVOLVED BETWEEN GENERAL JACKSON AND MR. CALHOUN—THE SKELETON IN MONROE'S CABINET.

THERE are certain reasons why the paper called "Jackson's Exposition" should go into this book—referred to in a former chapter—and when that chapter was closed it was intended to publish the entire paper; but I am now revising the whole work and cutting it down, and, upon reflection, have decided to make a liberal synopsis of the paper. This conclusion is reached because the original paper in its entirety can be read by critics, and those who are anxious to know what the details are, by turning to Mr. Benton's "Thirty Years in the Senate;" therefore I shall give as brief a synopsis as the character of the work will allow.

This paper was commenced by General Jackson before his second election, and was intended to give the exact facts in reference to the very unpleasant and very remarkable conflict between him and Mr. Calhoun. After the election, and when he finished the paper, he declined to give it to the public, giving his reasons, but made the request about its going into his biography if one should be written.

Briefly, this paper, of more than 10,000 words, is a collection of facts, much of it in correspondence, with a view of settling a question which must have given General Jackson and Mr. Calhoun both great concern at the time. The

point which General Jackson undertakes to establish in this paper is, that after the House of Representatives and the Senate had relieved him from charges made by his enemies of pursuing the Seminole Indians into the Spanish forts, it cropped out (percolated) that while these proceedings were going on in the Senate and in the House, there had been a movement in the Cabinet of Mr. Monroe—of course secret—to have him arrested for violating orders of the President in entering the forts. This percolating process went on for some years, and, from newspaper reports and other things said, General Jackson came to believe that this movement had been made in the Cabinet of Mr. Monroe; instigated or set on foot by William H. Crawford who was, as well as Mr. Calhoun, a member of Monroe's Cabinet, and this belief came to be so well fixed in General Jackson's mind that he declined to speak to Mr. Crawford for many years. During this time insinuations had been made to him that it was not Crawford, but Mr. Calhoun who had made the suggestion. This General Jackson persistently refused to believe, giving as a reason the long and close friendship between him and Mr. Calhoun.

Nearly twelve years after the supposed attempt in the Cabinet to have him arrested, as General Jackson shows, a Mr. Hamilton, son of the statesman, told William B. Lewis that General Jackson was mistaken in supposing that it was Crawford who made the move in the Cabinet, and that he had seen a letter from Mr. Crawford to that effect, and that the letter was in New York. Thereupon, General Jackson sent William B. Lewis to New York to look up the letter, and found it, but could not get it, but an offer was made by the gentleman who possessed it to come to Washington and bring it. This General Jackson did not regard as the most direct means of getting at the facts, nor did he think it was exactly the thing to do so far as Mr. Crawford was concerned, and suggested to a friend to write to Mr. Crawford

on the subject. The letter was written, and Mr. Crawford's reply received, saying that the motion in the Cabinet to have General Jackson arrested was made by Mr. Calhoun and not by him.

General Jackson thereupon sent the letter, or a copy of it, to Mr. Calhoun, and said to him in substance that unless this was denied their friendship would end.

In this paper, the "Exposition," General Jackson sets forth the important facts that when he thus became possessed of the proof that Mr. Calhoun had made the motion to have him arrested, and had made a speech urging it, impressed with the fact that this had been a skeleton in the Cabinet for about twelve years, during all which time he had regarded Mr. Calhoun as one of his closest friends, and then goes at length into the proof that in following the Indians into the Spanish forts he had acted under instructions from the President, and sets out minutely these details: That in 1818, when the war with the Seminole Indians was giving the Government considerable trouble, General Gaines, being in charge of our forces, the President wrote him (Jackson) as Major General in the United States Army — Jackson being at that time at the Hermitage — to raise an army from adjacent States, and proceed at once to Florida and take command of the army—at the same time sending him instructions which had been furnished General Gaines, and in which Gaines had been directed if the Indians took shelter in the Spanish forts, that he must stop and confer with the Government at Washington before entering the forts.

General Jackson shows that in reply to the letter of the President, he took ground that the instructions to General Gaines could not with safety be carried out; that if the Indians took shelter, he should be allowed to follow them; and that his army would be put in great hazard to remain until a messenger could be sent to Washington and return.

He then shows that this letter reached the President, and at the time Mr. Calhoun was in the room with the President, and that the letter was turned over by the President to, and read by Mr. Calhoun, and handed back to the President. He shows that he said in that letter to the President, if he did not wish to make any order in advance about what should be done in such a contingency, he might indicate to his friend, John Rhea, who was in Congress at the time, whether he approved the suggestion that he (Jackson) made.

He then shows that he raised an army, and before he reached Florida he got a letter from Mr. Rhea saying that the President approved his suggestions, and that he had much correspondence with the President and Mr. Calhoun afterwards, and Mr. Calhoun as Secretary of War while he was conducting the campaign, and that that correspondence was on the line of an acquiescence in his suggestions.

This is a brief synopsis of the issue, but in the "Exposition" it is supported by the necessary proof, and especially by what Mr. Calhoun had said at the time to Mr. Bibb, of Georgia, to the effect that General Jackson had full authority to conduct the war as he thought proper. He called to his aid Mr. Rhea and Judge Overton as to the letter he had received before he got to Florida, and says that the President afterwards sent word to him to destroy that letter, which he did, making a memorandum on his letter-book that it had been destroyed, and that Judge Overton knew all the facts.

This lengthy paper, known as the "Exposition," was shown to Mr. Calhoun, but no reply was made at the time, and, after most diligent inquiry from leading men in the South, and from a granddaughter of Mr. Calhoun who has taken great interest in his reputation, I have been unable to find where Mr. Calhoun made any explanation about it. It is true that Mr. Calhoun did write a pamphlet in reference

to his conflict and separation from General Jackson, but this I have been unable to find, holding up this part of this very unpleasant and disagreeable part of American history for nearly a year. I have made every effort to find what defense Mr. Calhoun made—publishing the facts in brief in the *Atlanta Constitution* and other papers, in the hope that some friend of Mr. Calhoun would furnish whatever explanation he had made—if any.

It is manifest that when this trouble came into the Cabinet, Spain was in a bad humor with the United States, and the President was in some trouble, and at the time made a proposition to General Jackson, in a letter, that he assume the responsibility of going into the forts, intimating to General Jackson that the Government could defend him for going in and avoid the serious conflict with Spain. This General Jackson refused, saying that what he did, he did under orders, and that the Government could undoubtedly defend itself, and what he did was what he had a right to do in command of an army pursuing an enemy that had found shelter in the forts of a nation we were at peace with.

Gentlemen who are curious to know all the facts and see all the evidence—including the entire correspondence—will find the paper in Mr. Benton's "Thirty Years in the Senate," 1st Vol., p. 169.

In reference to this paper, Mr. Benton says:

"Such is the paper which General Jackson left behind him for publication, and which is so essential to the understanding of the events of the time. From the rupture between General Jackson and Mr. Calhoun (beginning to open in 1830 and breaking out in 1831) date calamitous events to this country, upon which history cannot shut her eyes, and which would be a barren relation without the revelation of their cause. Justice to Mr. Monroe (who seemed to hesitate in the Cabinet about the proposition to censure or punish General Jackson) requires it to be dis-

tinctly brought out that he had either never read, or had entirely forgotten General Jackson's confidential letter, to be answered through the venerable Representative from Tennessee (John Rhea), and the production of which in the Cabinet had such a decided influence on Mr. Calhoun's proposition—and against it. This is well told in the letter of Mr. Crawford to Mr. Forsyth, is enforced in the 'Exposition' and referred to in the correspondence, but deserves to be reproduced in Mr. Crawford's own words. He says:

“ ‘Indeed, my own views on the subject had undergone a material change after the Cabinet had been convened. Mr. Calhoun made some allusion to a letter the General had written to the President, who had forgotten that he had received such a letter, but said if he had received such an one, he could find it; and went directly to his cabinet and brought the letter out. In it General Jackson approved of the determination of the Government to break up Amelia Island and Galveston; and gave it also as his opinion that the Floridas should be taken by the United States. He added it might be a delicate matter for the Executive to decide; but if the President approved of it, he had only to give a hint to some confidential member of Congress, say Johnny Ray (Rhea) and he would do it, and take the responsibility of it on himself. I asked the President if the letter had been answered. He replied, ‘No;’ for that he had no recollection of having received it. I then said that I had no doubt that General Jackson, in taking Pensacola, believed he was doing what the Executive wished. After that letter was produced unanswered, I should have opposed the infliction of punishment upon the General, who had considered the silence of the President as tacit consent. Yet it was after this letter was produced and read that Mr. Calhoun made his proposition to the Cabinet for punishing the General. You may show this letter to Mr. Calhoun, if you please.’ ”

"It was shown to him by General Jackson, as shown in the 'correspondence,' and in the 'Exposition;' and is only reproduced here for the sake of doing justice to Mr. Monroe."

Nothing short of an imperious necessity for space prevents my publishing this remarkable document, the "Exposition," in full; but having made what I hope will be regarded as an intelligent synopsis of the paper, I cannot too earnestly urge political critics and historians to turn to Mr. Benton's work and read the whole paper. It was General Jackson's earnest request that the paper should be put into his biography. There is no evidence that he ever made any other request as to what should go into the book. Mr. Parton had the paper when he wrote his biography, and the book shows that he was making no effort to keep it in prescribed limits, yet he did not publish this paper. But more than this, it is General Jackson's carefully prepared version of an intensely interesting historic period, in which he was the central figure, involving scenes which will have their pros and cons as long as big men and great deeds in high places are talked and written about.

This subject, which would take up many pages of the book, may not be interesting to paragraph readers, but with students of history, not one, perhaps, knowing the conditions, will commence the paper without finishing it, and having called attention to it, careful readers will turn to Mr. Benton's book and read it. The interest in it at once becomes absorbing when it is seen that a skeleton is found in Mr. Monroe's Cabinet and uncovered, causing a sensation that the discovery of hidden crime produces, though it had been concealed for twelve years under the sacred obligations resting on Cabinet officers to tell no tales. The discovery of this skeleton aroused passions, alienated friends, called up witnesses, brought collisions in high places, dissipated suspicions and substituted convictions, which must stand or fall by the paper given to the public. Under all

circumstances, it is not surprising that General Jackson desired his convictions, with the evidence, to go into history and be read.

The publication of this paper leaves every reader to judge for himself on the merits of a controversy involving the conduct, character, and official life of men who had reached the highest places in the Government, and who had, with their respective followers, the warmest places in their hearts. The split between General Jackson and Mr. Calhoun, with the consequences, is, no doubt, more widely known and has been the cause of more reckless criticism than any collision between public men in the history of the country. This sketch is more willingly given a place in this work because, after the "Exposition" was written, its contents were made known to Mr. Calhoun that he might, if he desired, make a reply, which he declined to do.

The exact points involved between General Jackson and Mr. Calhoun were three; as follows:

1. Did Mr. Calhoun, when a member of Mr. Monroe's Cabinet in 1818, propose the arrest and punishment of General Jackson for disobedience of orders in the Seminole campaign?

2. Did he, while it was a Cabinet secret, purposely mislead General Jackson as to the facts, claiming to have been Jackson's friend in the matter?

3. Did he know, was he cognizant, of the orders which had been given to General Jackson by the President when the campaign commenced?

Did General Jackson establish the facts suggested by these questions? If he did, then it puts a new phase on Mr. Calhoun's character.

Mr. Calhoun's high reputation as a man of honor, and General Jackson's array of facts will undoubtedly excite in the mind of every careful reader the intensest interest, and he will probably turn back and reread. It is not my busi-

ness to solve the problem or attempt to do so; it is my business to get the exact facts before the public. But the solution is certainly aided by some established facts and about which there can be no misunderstanding.

These facts are—that General Jackson did write the letter, the confidential letter pointing out what course should be pursued in occupying the country and under what circumstances the Spanish forts might be taken. Suggesting to the President a means of notifying him through Mr. Rhea, a member of Congress, Mr. Rhea did notify General Jackson, by letter, that the President had instructed him—Rhea—to notify Jackson that he approved his (Jackson's) policy. The President and Mr. Calhoun, his Secretary of War, both admit they got his letter, and produced it, but say it was not answered. There was no pretense that General Jackson had gone beyond the suggestions of the letter which he (the President) approved and had Rhea write Jackson. But in less than one year General Jackson was charged in the Cabinet with disobedience of orders and censured. The proposition of Mr. Calhoun to have him arrested however, failed.

When the secret Cabinet skeleton was discovered, the Cabinet movement to have Jackson arrested was put upon the ground that no answer at all of any kind had been made to Jackson's confidential letter and that it had been forgotten.

It is difficult to believe the Cabinet paid no attention to this letter, suggesting a policy and asking information as to the course to be pursued while carrying on a war against the Indians in a Spanish territory. It is incredible. But Rhea who wrote the reply at the instance of the President, was still living, and he and Judge Overton and Jackson all bear testimony to the fact, the letter being destroyed at the request of the President.

This skeleton in the Cabinet of Mr. Monroe, originating in the proposition of Mr. Calhoun to have General Jackson arrested, at the same time, and seemingly a part of the whole, of the resolutions in the House and Senate censuring him for his conduct in the Seminole War, though the House and Senate resolutions signally failed, and the Cabinet proceedings were, for twelve years, partially covered up and hid away in the secrecy of Cabinet proceedings, was the inception of a political and party revolution, disturbing personal relations and causing breeches in lifetime friendships which can scarcely be taken at a single glance. Simultaneously with the step in the Cabinet was the Seminole condemning resolution introduced in the House, on which Mr. Clay made one of the greatest speeches of his life. Up to this time he and Jackson had been warm friends, the tie being that one brought on the war of 1812 and the other fought it to a finish. But the conditions, as Jackson saw them, doing in the Seminole Campaign just what he had been ordered to do, and then put on trial before the American people for disobedience of orders, stirred up one emotion of his sensitive nature—his honor as a soldier—as never before, and when Mr. Clay made the speech, with Jackson it was a breach never to be healed in life.

Twelve years after, when the skeleton was uncovered, the separation with Mr. Calhoun was prompt, never to be healed, and greatly aggravated by the deception which he claimed had been practiced on him.

For twelve years Jackson had been alienated from Crawford, believing he was the author of the Cabinet proceedings, and for which he gladly apologized when he came to know the facts. After Jackson's triumph in this matter, Mr. Calhoun ceased to act with the Democratic party and claimed to be only interested in taking care of South Carolina.

It led to the breaking up of the Cabinet, Mr. Calhoun resigned as Vice-President and took a seat in the Senate. In the great Bank question and in the expunging resolutions Calhoun united with Webster and Clay in the fight against Jackson, and out of it all came the division that brought into existence the Whig party.

CHAPTER XLI.

RECEPTION OF GENERAL JACKSON AT NASHVILLE ON HIS RETURN FROM THE SEMINOLE WAR—ADDRESS OF JOHN OVERTON—REPLY OF GENERAL JACKSON—HISTORIC BANQUET AT NASHVILLE INN—THE TOASTS DRUNK—SPAIN'S DELAY IN CONSUMMATING TREATY—OPPOSITION IN SENATE TO RATIFICATION OF TREATY—JACKSON'S RESIGNATION OF OFFICE OF MAJOR GENERAL—JACKSON APPOINTED GOVERNOR OF THE FLORIDAS—JOURNEY OF GENERAL AND MRS. JACKSON TO THE FLORIDAS—HONORS PAID TO THEM AT NATCHEZ AND NEW ORLEANS—JACKSON'S COMMISSION AS GOVERNOR—CONDITIONS JACKSON FOUND ON ARRIVAL IN THE FLORIDAS—JACKSON'S CONDUCT OF AFFAIRS AS GOVERNOR—JACKSON SECURES JUSTICE FOR QUADROON WOMAN—SEIZURE OF PAPERS OF DOMINGO SOUSA, RECALCITRANT SPANISH OFFICER—ARREST OF GOVERNOR CALLAVA.

THE pursuit of the skeleton in the Cabinet has carried me twelve years ahead of my story—from 1818 to 1830. But this is because the attack in 1818 about the Seminole Campaign in the House and by a committee of the Senate and the discovery of the skeleton in 1830 is a continuous story. After the House so overwhelmingly voted down the resolutions of censure and the Lacock Senate Committee abandoned the prosecution, General Jackson returned to Tennessee, reaching home in April, 1819. In one respect General Jackson's life was much like the life of the great Roman general, except that Cæsar's life was a life of conquest, bringing with him the wealth of his conquered provinces, while Jackson again and again returned bringing back only the honors of victory over his country's enemies—or victories for himself over the strife

and jealousy of combined foes. The *Nashville Whig* of the 7th of April, 1819, gives the following account of his return to Nashville:

“At 11 o'clock A.M., of the 6th of April, a large assemblage of gentlemen met the General several miles from town, and escorted him into the public square, where he was met by the committee, and the following address was read in a very feeling and impressive manner by the Hon. John Overton:

“‘Major General Jackson: In behalf of the citizens of Nashville, and its vicinity, we once more welcome your return to your friends, your family, and your home. Uniformly successful in the field—always victorious over the enemies of our country—it was not to be expected that you would wholly escape the censure of the envious and malicious.

“‘Charges were exhibited against you, and by the representatives of the people they were repelled. Their decision is approved by the voice of the nation. To those who know you well, who perhaps know you best, who had the opportunity of witnessing your conduct—the means of appreciating your motives—to your neighbors and acquaintances, your military career has been as satisfactory as it has been brilliant; the battles you have fought, the victories you have won, have procured for our country the most lasting benefit, and for yourself a name imperishable.

“‘Your winter’s march through the swamps of Florida to the ramparts of Barrancas originated in necessity, and resulted in the happiest consequences. Your enemies may calumniate; demagogues may rail; some two or three Senators may impute ‘mercenary views,’ unsupported by evidence, but by us, by your country, by posterity, such insinuations are and will be deemed as ridiculous as they are unfounded. Your fame, your health, and your happiness are dear to those who address you; may you long live to enjoy them.’ ”

To which General Jackson made the following reply:

“I tender to you, sir, the gentlemen associated with you, and the citizens of Nashville and its vicinity, in whose behalf I have been addressed, my most sincere and grateful acknowledgments for the favorable sentiments expressed toward me, and the very kindly and friendly welcome which you have given me upon my return among you. This additional testimony of regard and friendship from my fellow-citizens has afforded me the most heartfelt gratification, and has made a deep and lasting impression on my mind.

“Conscious of having, in every situation in which I have had the honor to act, honestly and zealously exerted my best faculties to support the rights and protect and advance the interests of my country, to have at any time received such an impression of approbation from the citizens of my State—those best acquainted with me—many of whom have seen me in the most trying events of my life, and have participated with me in all the fatigues, privations, and perils of war—would have afforded me high gratification. How much increased, then, must be the pleasure and gratification which I derive from this manifestation of your favorable opinion, at a moment when my reputation has been assailed in every manner in which the most vindictive feelings could suggest; when an investigation has been instituted, not only into my public acts, but my private character. And, without an opportunity afforded me of being heard in my defense, have I been, by a committee of the Senate, at the close of the session, accused of conduct the most disgraceful, and pronounced guilty of having wished to involve my country in a war from personal, mercenary views, and this accusation unsupported by the least shadow of testimony.

“Here, sir, for the present, will I let this unpleasant subject rest, my conduct having been approved by the Presi-

dent, to whom alone I am responsible. I have no fear but my country will do me justice, and that the Senate, at their next session, will correct the many untruths contained in the vindictive report made by three of its members.'

"The emotion of the General in delivering his reply was so visible as to communicate its sympathetic effects to all around. It was received with cheers and acclamations from every quarter, and amid the shouts of the people he was conducted to the Nashville Inn, where a splendid dinner was prepared. Among the invited guests present were the Hons. John Haywood and Thomas Emmerson, Judges of the Supreme Court. Ephraim H. Foster, Esq., acted as President, and John Somerville, Esq., as Vice-President. The following toasts were drunk:

"1. United America: a star which but lately rose in the West; its splendor already gives light to the benighted nations of the East. Three cheers.

"2. James Monroe, President of the United States: his administration has demonstrated that a Chief Magistrate, guided by practical wisdom, can silence the tumult of party spirit. Nine cheers.

"3. The 4th of July, 1776: for the support of the 'declaration' made on that day, we mutually pledge to each other our lives, our fortunes, and our sacred honor.' Six cheers.

"4. The memory of the immortal Washington. 'Let expressive silence muse his praise.'

"5. The Constitution of the United States; every experiment tends to prove the solid materials of which it is composed. Three cheers.

"6. The heads of departments.

"7. Tennessee and her sister States: their interest the same, they will act in concert in peace and war. Three cheers.

"8. The Governor of Tennessee.

"9. Major General Andrew Jackson: he fought for his country only; the arrows of detraction fall harmless at his feet. Nine cheers.

"10. The Seminole War: forced upon us by aggression; justified by necessity; by its vigorous prosecution we have acquired a strong barrier against the inroads of savages and foreign incendiaries. Nine cheers.

"11. Arbuthnot and Ambrister: they were not without their friends; may all men of similar views meet a similar fate. Silence.

"12. The late treaty with Spain: that which long protracted negotiation could not effect, was quickly accomplished by decision in the Cabinet and energy in the field. Six cheers.

"13. John Quincy Adams: the distinguished statesman, the firm patriot, the able negotiator, the eloquent supporter of his country's rights. Six cheers.

"14. DeWitt Clinton: the promoter of his country's best interests. Three cheers.

"15. The citizens of New York, Philadelphia, and Baltimore: Tennessee will remember with gratitude their hospitality to our distinguished guest. Nine cheers.

"16. Col. Richard M. Johnson: the true representative of his gallant constituents; in war a sword for the enemies of his country, in peace a shield for private virtue. Three cheers.

"17. The 8th of January, 1815: the American bosom will forever throb with emotion and exultation when the deeds of that day shall be recounted. Nine cheers.

"18. The navy of the United States: pre-eminent in brilliant achievements. Six cheers.

"22. The patriots of South America: palsied be the arm that would wrest from them the standard of liberty for which they have so nobly struggled. Six cheers."

The manner in which General Jackson closed up the Seminole Campaign and his refusal to modify his report of the campaign, as urged by President Monroe, relieving the Government from the embarrassment with Spain, and his firm stand that his course was not only justified by the conditions, but that what he did was with the approbation, and in fact by the orders of the President, with the ringing defense of his course by the Secretary of State, Mr. Adams in his correspondence with the Minister of Spain, enabled Mr. Monroe to make the purchase of Florida, which treaty was signed on the 22d of February, 1819. The Spanish Government, however, for two years refused to ratify the treaty, taking offense at the great sympathy then being shown by our public men and people generally for the revolted South American provinces. The Spanish Government gave out that it would send a special envoy to the United States to talk the matter of the treaty all over and with certain complaints to be considered. Mr. Monroe's patience was exhausted.

General Jackson, on the 28th of December, 1819, wrote to Mr. Eaton on the subject of Spanish treachery, and said :

"I deprecate the idea of waiting longer for an explanation from unfaithful Spain. Can we receive a minister from that power under present circumstances without compromising in some degree our national character? Under the bad faith of Spain, as I believe, the only good explanation that can be given is from the mouth of American cannon."

The ratification of this treaty found opposition in the Senate. Mr. Clay opposed it because in the treaty, besides paying five millions for Florida, we gave up to Spain our claim, which, however, was in dispute, to Texas. General Jackson put his outside influence to the ratification and it was ratified.

General Jackson had long before this notified the President of his purpose to resign the office of Major General as soon as the trouble with Spain was settled. He regarded the bad faith of that Government toward us deserving of a good, sound thrashing, and that its insolence would probably lead to a conflict, and if it came, he intended to be in it. But as soon as the treaty was ratified he resigned. His address to the army is dated the 21st of July, 1821.

Congress promptly passed an act for the reception and provisional government of Florida. By this act it was ordained that "until the end of the first session of the next Congress, unless provision for the temporary government of Florida be sooner made by Congress, all the military, civil, and judiciary powers exercised by the officers of the existing government of the same, shall be vested in such person or persons, and shall be exercised in such manner as the President of the United States shall direct, for the maintenance of the inhabitants in the free enjoyment of their property, liberty, and religion."

Immediately on the ratification of the treaty and the passage of the law conferring the power on the President, Mr. Monroe appointed General Jackson Governor of the Floridas. This office was not sought by him; in fact, he was quite reluctant to accept it. All his correspondence—everything he said and did—showed that he earnestly and hopefully looked to the pleasure of the Hermitage and rest as soon as the Spanish troubles were ended, having resigned the office of Major General.

Mrs. Jackson's letters, some of which I have already published as well as his own, show with what reluctance they gave up the contemplated change from public service to the felicities of a reunion; for there had been eight years of practical separation of husband and wife, a temporary suspension of ties as strong and sweet as ever existed between man and woman. Nothing but a loyal obedience to his

country's demands, which was the controlling incentive of his life, caused him to abandon the pleasures which he had resigned the office of Major General in the United States army to enjoy, and take upon himself the labor and vexation of governing a mongrel people, as were the inhabitants of Florida at that time. Taking Mrs. Jackson with him, he left on the 18th of April, 1821, for Florida, by the way of New Orleans. At all points on the river, and especially at New Orleans, honors without stint were showered on him. The truth is, there is nothing in ancient or modern history, in the way of manifesting love and devotion to a great leader, comparable to the repeated exhibitions at Nashville and at New Orleans on the several occasions of General Jackson's visits. When he returned to Nashville from a campaign or from his arduous duties in civil life, the whole people went out to meet and escort him into the city, and when he visited New Orleans vast multitudes gathered to attest their appreciation of the man who had saved their city and people as well as the country from the deepest humiliation.

Mrs. Jackson wrote to her friend, Mrs. Kingsley, from New Orleans, an extract from which letter here will enable the reader to see the plain, Christian woman, whose sweet, gentle words and exemplary life could soften the nature and point the way of the man whose destiny was victory, and who knew no power but his country and its laws. In the midst of unparalleled pageantry she wrote:

"We were met at the Natchez and conducted to this place. The house and furniture are so splendid I can't pretend a description. The attention and honors paid to the General far excel a recital of my pen. They conducted him to the Grand Theater; his box was decorated with elegant hangings. At his appearance the theater rang with loud acclamations, 'Vive Jackson.' Songs of praise were sung by the ladies, and in the midst they crowned him with a crown of

laurel. The Lord has promised his humble followers a crown that fadeth not away; the present one is already withered, the leaves are falling off. St. Paul says, 'All things shall work together for good to them who are in Christ Jesus.' I know I was never so tried before, tempted, proved in all things. I know that my Redeemer liveth, and that I am his by covenant promise.

"I want you to read the one hundred and thirty-seventh Psalm. There is not a day or night that I do not repeat it. Oh, for Zion, I wept when I saw this idolatry. Think not, my dear friend, that I am the least unfaithful. It has a contrary effect.

"I have written you this through the greatest bustle and confusion. The nobility have assembled to escort the General with a full band of martial music to review the troops. Remember me to your dear husband, Mrs. Foster, Mrs. McLemore, Mrs. Martin, and all my Christian friends. Say to my father in the gospel—Parson Blackburn—I shall always love him as such. Often I have blessed the Lord that I was permitted to be called under his ministry. Oh, farewell! Pray for your sister in a heathen land, far from my people and church. Present me to all friends. I can scarcely hear for confusion. Yours with affection,

"RACHEL JACKSON."

The commission to General Jackson was:

"Know ye, that, reposing special trust and confidence in the integrity, patriotism, and abilities of Major General Andrew Jackson, I do appoint him to exercise all the powers and authority heretofore exercised by the Governor and Captain General and Intendant of Cuba, and by the Governors of East and West Florida; provided, however, that the said Andrew Jackson, or any person acting under him, or in the said territories, shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons, whomsoever, any title or claims to land within the same."

General Jackson, as in everything else, when the surrender was made by the Spanish Governor of Florida, was ready to commence business. On the day after the exchange of flags he appointed mayors and aldermen for the cities and empowered them to levy taxes for the support of the cities.

The mayor and aldermen of St. Augustine laid a tax of twenty-five cents on every one hundred dollars worth of real estate, a tax of one dollar a year on each slave, two dollars a year on each dog, twenty-four dollars a year on each dram shop, fifty dollars a year on billiard tables, ten dollars on riding carriages, seven and one-half per cent. on gross auction sales.

The politicians made the charge, in the many fights they made on him, that this was beyond his authority as prescribed in the commission, but Jackson beat them by showing that such power had been exercised by the Spanish city authorities, and that in the organization he was empowered with all the authority the Spaniards had exercised.

The main fight made on him by the politicians, in reference to the ordinance made, was for the violation of his commission in that the commission and the act of Congress required that he should protect the people of Florida in the "free enjoyment of their religion."

The regulation issued by him was :

"As the Christian Sabbath is observed throughout the civilized world, it is ordained that in order to remove any doubt which might be entertained with respect to the powers of the Mayor and Council on the subject, the said Mayor and Council be authorized to make any regulations on the observance thereof which they may deem proper."

The politicians in the hunt for something that would reach the public mind and effectually check the onward march of the man who, though a rough backwoodsman, had been made a Major General in the United States army, and

then elevated to the great office of President, made the point that under this ordinance the Catholic churches might be closed up on Sunday, and that it was in its scope, transcending the powers given in the commission.

The reply to this was that the Mayor and Council had attempted no such thing, and that the ordinance was friendly and not hostile to religion, and that the spirit and foundation of the order were that Mrs. Jackson desired and the Governor ordered, in the interest of religion, that gambling houses, whisky shops, and theaters should not be run on Sunday, and there was no proof that these were parts of the Catholic faith or practice.

After the exchange of flags and the American flag was hung out on the Governor's house—and as it was done—there stood ready a vendor of religious tracts who, like the newsboy when he gets his papers, breaks away to his customers, watching the flag and seeing it float from the staff, broke away selling his Protestant tracts. Of this the priests complained, but Mrs. Jackson was there, and the General decided that an inhibition on the sale of the religious tracts was not the denial of a religious right.

General Jackson's enemies raised other questions on him in reference to his conduct of affairs in Florida, which were greatly pressed in all his presidential contests. These questions cover twenty-eight pages of Mr. Parton's book. The whole story, as Parton puts it, is a farce, and General Jackson an upstart, holding a big office, who was trying to prove to the world that he was a big man by the exercise of unwarranted authority.

The story, simply told, without a stage and footlights, is this :

On his way to Florida General Jackson met up with an accomplished young man named Henry M. Breckenridge, who was out taking in the sights, was a French scholar and also spoke the Spanish language fluently. It did not take

General Jackson long to see that such a young man as he could be made useful as a clerk and interpreter.

On reaching Pensacola, Jackson having satisfied himself that the young man was capable and reliable, he appointed him Alcalde at Pensacola. This young man had scarcely warmed his seat as Alcalde (Alcada) when an excited quadroon woman entered his office and pleaded for assistance in getting her rights. She said that she was one of the heirs of Nicholas Maria Vielal, who died many years before, and that the late Spanish Governor, Colonel Callava, who was preparing to sail for Spain, was in possession of the ancestor's papers, covering large bodies of land which belonged to the heirs, and that he was about to take them with him to Spain, and that the papers had been removed from the late Governor's office, and that they were in the hands of one of his subordinates named Domingo Sousa. The woman had certain papers which strongly confirmed her statement.

These facts were reported to General Jackson, who ordered that proper papers be prepared and presented to him as Governor, and while this was being done, he looked into it and found that by the treaty all title papers belonging to persons not leaving for Spain should be and remain in the hands of the incoming United States authorities.

Thereupon, the papers being prepared, the Governor issued the following paper addressed to Alcalde Breckenridge, George Walton, Secretary of West Florida, and John Miller, Clerk of the County Court:

"Gentlemen, having been officially informed that there are a number of papers or documents in the possession of an individual by the name of Domingo Sousa, of a public nature, and which belong to the office of the Alcalde of this town, although not delivered with the other documents relating to private property, you are hereby authorized and instructed to proceed to the dwelling of the said Domingo Sousa, and to make a demand of all such papers or docu-

ments as may be in his possession. In case the said Sousa should refuse to exhibit and deliver the same, you will immediately report the fact to me in writing."

On demand Domingo Sousa refused to give up the papers, saying he had no private papers; that what papers he had belonged to the office of the retiring Alcalde and were revenue papers. But when the boxes were opened, it was found that the identical papers demanded were there.

When this was reported to General Jackson, he was Andrew Jackson in the worst form. If there was any one thing in the world that he was most successful in talking about than all others, it was the treachery and lying capacity of the Spaniards. And so when this report was made, showing that in the trunk of the Alcalde were the private land papers of private citizens to be taken with him to Spain, and among these the title papers of a poor, helpless woman whose evidence of her rights was being fraudulently taken out of the country by a retiring Governor, Jackson was not in much condition to appreciate the defense made by his friends for the late Governor, so he called up a squad of soldiers and ordered them to bring his ex-Excellency into his presence. The squad of soldiers proceeded with the promptness incident to the execution of all of Jackson's orders, and found the Honorable ex-Alcalde or Governor taking a dinner with friends who were doing him honor. They promptly executed the order, but permitted him to go to his room and make ready to meet the Governor. Not appearing promptly, the arresting party was sent after him, and found him in bed, claiming that he was too sick to appear before His Excellency.

CHAPTER XLII.

JACKSON'S COLLISION WITH RETIRING SPANISH GOVERNOR—
POSITION AND ANTECEDENTS OF JUDGE FROMENTIN—
ALCALDE CALLAVA'S ACCOUNT OF HIS ARREST BY ORDER
OF JACKSON—REPORT OF INTERPRETER BRECKENRIDGE
—WRIT OF HABEAS CORPUS FOR RELEASE OF CALLAVA
ISSUED BY JUDGE FROMENTIN—FROMENTIN SUMMONED
BEFORE JACKSON—JACKSON'S REPORT TO THE SECRETARY
OF WAR—EVIDENCE FURNISHED BY SAM R. SIMPSON⁴
AS TO JACKSON'S CONDUCT OF NEW ORLEANS CAMPAIGN.

NOTHING in General Jackson's life has been more distorted than his collision with the retiring Spanish Governor of Florida. That the politicians, in the bitterness of party politics, would enlarge on the imprisonment of the recent Alcalde was to be expected, but Mr. Parton gave large space to it, made up mainly of extravagant reports of Spaniards who were remaining in the country and who wrote books about the monstrosities of "Don Andrew Jackson." Parton took these terrible Spanish stories and incorporated them into his book in the form of a stage scene, the effect of which is to make General Jackson a sort of mock hero administering his office in a sort of backwoods fisticuff fashion, sending Spanish Alcaldes and United States Judges to jail in the exuberance of his vengeance without regard to facts or law. Whether the stage performance was intended as fiction or fact is difficult to see.

The entire scene, as Parton has put it, coupled with the traditions that come down from hot-headed politicians about Jackson, as a wild man when Governor of Florida, going about seeking whom he might devour, requires that

the real facts shall be given. It is true the scene with the Spanish Alcalde (the Governor who had been displaced by the sale of Florida and the treaty with Spain) as well as the collision with the United States Judge Fromentin, sent down by Mr. Monroe, was neither a love-feast nor a parting blessing. But the part the new Governor took in it was truly Jacksonian and illustrated his character—his real character—in both head and heart. It comported, however, with Mr. Parton's uniform treatment of his most loving traits of character to stigmatize this whole affair as a great to do about nothing—a stage performance without a plot. If there was a weakness in the make-up of the hero of New Orleans it was evidenced by a breakdown when in the discharge of duty he found deep affliction or great oppression.

One touching instance heretofore noticed was in taking the child from the breast of the Indian mother who had been killed in the battle of the Ten Islands; hiring a nurse to keep it for a year until his campaign was over, and then sending a great distance for it; taking it to his house, adopting and raising it till it was seventeen years old, and then, when President, weeping over its death as if it had been a child of his own blood.

Another instance, but in another direction, was what Parton calls a raging passion about nothing, when at the instance of a helpless woman asking assistance of him, the new Governor aided her to get certain title papers, which he found, on examination, to be packed up in the trunk of the retiring Governor, Spanish Alcalde, to take to Spain. It must always be considered that on this occasion Jackson was not very polite to the outgoing Spanish Governor, nor was he excessive in his politeness to the Judge, Elias Fromentin, whom President Monroe had appointed Judge of the Court.

As some palliation for General Jackson's treatment of President Monroe's Fromentin, it will not be out of place

to give a short sketch of the man that was put on Mr. Monroe as a suitable man for a Florida Judge. He was a French priest, and when the French revolution closed the churches he came to America, and without making known his profession, married into a widely-respected Maryland family, then removed to New Orleans and commenced practicing law. Through the influence of his wife's family, he was elected to the United States Senate; not being re-elected, he deserted his wife, went back to France, and was restored to his priestly office. But when the American marriage was made known he was deposed, returned to America, and finally persuaded his wife to live with him, and her family then got Mr. Monroe to make him a judge. Mr. Monroe was ignorant of his history, but General Jackson knew it, and it is at least possible that the knowledge of this record got the better of Jackson in his dealing with him.

The preceding chapter left the ex-Alcalde in bed, too sick to make his appearance before the new Governor. The account of his arrest at the banquet is best told by himself:

"An occurrence so strange and abusive in the presence of those who surrounded me at the table, a great part of whom were there as a greater compliment to me, and others, my subordinates, could not but raise a blush in my face, and disorder my stomach in the very act of eating, and in the convalescent state I was; and I felt myself attacked by a deadly pain (which I almost habitually suffered, and which had frequently attacked me on the preceding days); notwithstanding, I concealed the circumstances so as to render it impossible to be discovered; that upon quitting the table I might go to reflect, for it was not known upon what such answers or occurrences rested."

The Spanish reports of what took place when the Alcalde was finally brought before Governor Jackson, which seem to have been adopted by Mr. Parton, are so truly characteristic of the Spaniard, that it is unnecessary to give just what

did take place, and which is truthfully told by the interpreter, Jackson's private secretary, who had been appointed Alcalde of Pensacola, Mr. Breckenridge.

Ex-Alcalde's retinue, who had composed his staff but could not realize that after the treaty he was only a private, made a journey to Washington to report what awful things "Don Andrew Jackson" was doing down in the old Spanish Province. But the interpreter, Breckenridge, made a full report of just what did take place when the ex-Alcalde was brought before the Governor. Here is the way it was :

"On entering the Governor's office, Colonel Callava was invited to take a seat, which he did at the table fronting the Governor, while I was seated at one end of it in the capacity of interpreter. The Governor then requested me to say to Colonel Callava that he was brought before him to answer interrogatories touching certain papers which had been delivered at his house by Domingo Sousa in boxes, according to the confession of Sousa, and a list of papers was read. This was fully and faithfully interpreted to him in the presence of Mr. Rutledge and Mr. Cruzat, the Secretary of Colonel Callava, both of whom understood the Spanish and English languages well.

"Colonel Callava, on this, rose and, looking at his watch, said that it was then ten o'clock, that at that hour he had been violently taken from his house; that he protested against the proceeding; that he was commissioner of Spain, and was not answerable as a private individual.

"When this was interpreted the Governor declared that he would bear no protest against his authority while sitting in his judicial capacity; that he could not know him as Commissioner, and then ordered me to propound the question (whether he had the papers) which he had just written.

"Colonel Callava repeated in substance what he had said before, but with more prolixity and warmth. After some time had passed in this way, he said he would yield to com-

pulsion, but would answer only in his own language and in his own way. When this was granted he began to write, and after writing a few lines complained that his eyes were weak, and requested that his Secretary might write, which was granted. He then dictated to Mr. Cruzat something in the shape of a protest, as a preliminary, as I understood, to his answering the question. After writing five or six lines it was observed by H. Bigelow, Esq., who had happened to be standing near the Governor, that he was dictating a protest. The Governor, on this, with considerable warmth, striking on the table and addressing himself to me, said: 'Why do you not tell him, sir, that I will not permit him to protest?'

"Which was intended for a reprimand to me for suffering Colonel Callava to proceed in this way, when he was repeatedly told that such a course would not be allowed. Colonel Callava then stopped, and his secretary left off writing in the middle of a word. The examination was continued at great length, but finally in the course of the remarks, the Governor reminded Colonel Callava of his having promised to deliver the papers if found in the boxes. Here Colonel Callava exclaimed, 'It is false!' meaning that he had never made such a promise, but which was mistaken by the bystanders. I stated that Colonel Callava denied the promise, and that it was possible that I might have misunderstood him, which drew from the Governor an expression of displeasure. In a strong tone of voice he asked, 'Why, then, sir, were you not more cautious?' words which proceeded only from the irritation of the moment, while he was almost sinking with fatigue. It was then midnight, and he had been sitting, with scarcely any interval, from ten or eleven o'clock in the forenoon. After the lapse of two hours, the Governor rose from his seat and called upon me distinctly to state that Colonel Callava must deliver the papers, or abide by the consequences. He, at the same time called

upon the friends of Colonel Callava, who understood English, to explain to him his situation. It was fully explained to him. This was several times repeated, and at length a blank commitment, which had been prepared in case of necessity, was signed, and Colonel Callava committed to prison, along with Sousa and Fullarat."

By this time Jackson, failing to get the papers by judicial proceedings—for in the appointment he had been clothed with judicial power—and doing nothing more than to get a Spaniard in the calaboose, where he honestly believed the whole race ought to be, he now ordered a squad of soldiers to seize the papers, which was promptly done, and he was about making an order to release the ex-Alcalde when a writ of habeas corpus was brought to him for the release of the prisoner, signed by President Monroe's French priest, acting as judge, and issued on the verbal application of a lot of Spaniards who had poured their complaints in on him about the monstrous Don Sir Andrew Jackson. Thereupon Don Andrew Jackson immediately issued the following order:

"Elijias Fromentin, Esq., will forthwith be and appear before me to show cause why he has attempted to interfere with my authority as Governor of the Floridas, exercising the powers of the Captain General and Intendant of the Island of Cuba over the said Provinces, and of the Governors of said provinces, respectively in my judicial capacity as Supreme Judge over the same, and as Chancellor thereof, having committed certain individuals, charged with a combination to secrete, and of having attempted to secrete, and carry out of the territories ceded to the United States, the evidence of individual right to property within the said territories, which has been secured to each individual under the second article of the first treaty with Spain, and in open contempt of the orders and decrees made by me. And that the said Elijias Fromentin, Esq., be and appear before me,

at my office, at 5 o'clock P.M., in Pensacola, to make known the above cause, and to abide by and perform such order and decree as the undersigned may of right deem proper to make of and concerning the same."

The Judge did not appear promptly, but sent word to the Governor that he was sick of rheumatism and could not walk. The next day, being furnished free transportation, he appeared before the Governor and was discharged with only a lecture and reprimand. But Governor Jackson in his report to the Secretary of War denounced the President's priest-judge with a good deal of severity, and made the following rather stirring statement from a subordinate to a superior:

"For poor Sousa and Fullarat Judge Fromentin seems to have no bowels of compassion. They might have perished and rotted in prison before he would have stepped forward, with the sanction of his authority, for their deliverance. The fact was that they had no wealth or influence, and the Judge was consequently clothed with the power to issue a habeas corpus for their relief. Agreeably to his principles, the laws of the United States are only made for the punishment of the humble and penniless; but whenever opposed to wealth and power they must either remain inoperative, or, if enforced, it must be done with great delicacy and respect. This course of proceeding may very well comport with the current and inquisitorial system of former Spanish tribunals, but they are clearly and palpably unjust, and merit the unqualified reprobation of every honest and intelligent American. I can assure you that, so far as I have been able to collect an expression of public sentiment relative to the conduct of Judge Fromentin, it has evidently rendered him so odious and contemptible that his name is only mentioned in genteel circles to be depreciated and despised. It is considered so flagrant and flagitious a departure from justice and propriety as seriously to impair his standing,

and rather to produce disaffection than inspire respect and confidence in the American authorities in Florida. . . . Elevated as he was, I hoped that I should meet with a manly feeling and lofty integrity corresponding with his honorable station, but I sincerely regret to say that he displayed a want of honesty and candor only becoming an apostle-priest, and which is enough to diffuse the cheek of depravity itself with a blush. I may, perhaps, express my indignation upon this subject with too much freedom. If the language is harsh, I am willing to acknowledge that it does not altogether become me, but I am not convinced that it is not merited in its application."

Before leaving General Jackson's military and semi-military life as Governor of Florida, and that I may preserve it, I wish to submit the following interesting item:

My friend, Sam R. Simpson, of Gallatin, Tennessee, an old-fashioned Irish gentleman, has just furnished me with an item of information which I want the public to share with me. All who have kept up with my Jackson's letters in *The American* know what use I have made of "the Subaltern." The "Subaltern" was a young man of means and family that gave him position, and was the recognized army correspondent with the British army in the war of 1812, and was with the army in its victorious campaign at Bladensburg, and was at the burning of Washington City, and made full reports of the successes in the Northern campaigns. His reports, more than anything else, gave the *London Times* and English press generally the excuse for berating the Americans as a nation of cowards, bullies in bringing on a war, but cowards when it came to fighting, and indeed the uniform victories in the North were what Mr. Madison and Mr. Jefferson had both feared — new levies of raw troops fighting trained soldiers.

The "Subaltern" accompanied the army when, in 1814, it was ordered to the Southern coast, and in Negril Bay, at the

west end of Jamaica, united with the fleet from England, all to be under General Packenham. It was he who wrote the celebrated sketch of the fleet as it sailed out of Negril Bay for New Orleans, carrying on board the *Tonnant* — the great ship captured by Nelson from the French in the Battle of the Nile — and other great ships, England's victorious army, soldiers who had fought under Wellington in Spain and in the south of France, as well as naval officers who had served under Nelson.

The "Subaltern's" articles on the New Orleans campaign are full and so strikingly true that I have made extensive use of them in my chapters. I have done this because his reports were in accord with the facts and because Lord Wellington pronounced him the most reliable reporter the English army ever had. This man, the "Subaltern," who gave to England the only truthful account of the war of 1812 she got, did not die until 1888, when he was ninety-one years old. In 1885 he wrote the following letter to his friend, James Grant Wilson, of New York, which Mr. Simpson has recently found and sends me. This letter is:

"When I look back upon the means which General Jackson adopted to cover New Orleans, and remember the material of which his army was composed, I cannot but regard his management of that campaign as one of the most masterly facts of which history makes mention. His night attack on our advance guard was as bold a stroke as was ever struck; it really paralyzed all our further operations, for, though unsuccessful, it taught us to hold our enemy in respect, and in all our future movements to act with an excess of caution. The use also which he made of the river was admirable; indeed, I am inclined to think that the generals who came after him were indebted for the perception of the great advantage to which the command of rivers may be turned. And do not let us forget that he had little else to oppose to Wellington's veterans, fresh from their

triumphs in Spain and the south of France, except raw levies. Altogether, I think of Jackson as the greatest general America has produced."

This letter is confirmatory of what I have so often said in these chapters — that General Jackson had the British whipped before the battle of the 8th of January was fought.

This seems to be a revelation to all who have not looked carefully into the facts. It was the bold, daring dash—the night battle of the 23d of December—that demoralized the British army, and with the victories of the 28th of December, 1814, and the 1st of January, 1815, that made the victory of the 8th so complete.

CHAPTER XLIII.

JACKSON'S RESIGNATION OF OFFICE OF GOVERNOR OF FLORIDA—ILL HEALTH OF JACKSON—JACKSON NOT AMBITIOUS FOR EMOLUMENTS OF OFFICE—PROOF BY INCIDENTS IN HIS CAREER—JACKSON'S REAL CHARACTER SHOWN BY MAJOR WILLIAM B. LEWIS—JACKSON MENTIONED FOR THE PRESIDENCY—PUT FORWARD AS A CANDIDATE BY TENNESSEE—MAJOR LEWIS' ACCOUNT OF ORIGIN AND PROGRESS OF JACKSON'S CANDIDACY—INFLUENCE OF "KING CAUCUS"—JACKSON A CANDIDATE FOR UNITED STATES SENATOR AGAINST COL. JOHN WILLIAMS.

TO General Jackson there was but one thing in the governorship of Florida that was pleasing to him, and that was getting out of it, and he resigned. He begged Mr. Monroe not to appoint him to the office; Mrs. Jackson remonstrated against the appointment; but Mr. Monroe would hear to nothing else, and knowing what General Jackson's weak point was, or rather what would touch him, Mr. Monroe induced him to accept the place by pressing the argument of duty. The Spaniards were still there in large numbers, the possession of the country had not been formally delivered over; the Indians were still there; the population was a mongrel one, and the United States needed a strong man to deal with the conditions, get the Spaniards out of the country, and inaugurate a territorial government. As in everything else in life, it was duty.

The commission issued to General Jackson was to "exercise all the power and authority heretofore exercised by the Governor and Captain and Intendent of Cuba and by the Governor of East and West Florida." This was construed by the Secretary of State, Mr. Adams, under Mr. Monroe,

to make him, for the time, the government of the newly acquired territory. Mr. Adams notified the judge sent down to Florida by Mr. Monroe—Fromentin—that his power only extended, under the Act of Congress, to “the revenue, its collection, and the slave trade.” All the other powers devolved on General Jackson, but this was by international law rather than by the Act of Congress. And in this construction the Government sustained General Jackson in his conflict with the notorious Judge Fromentin, who undertook to annul, by writ of habeas corpus, the act of Jackson in putting Callava in jail, when he refused to deliver up the private papers which he was taking with him back to Spain.

Jackson was, as is shown, under his appointment, onerated with judicial, executive and military authority. The Government had only two officers in the territory — Jackson and Fromentin. The latter’s duties were prescribed, and all other powers exercised by the retiring authorities, by operation of international law, devolved upon such officers as the Government had. This was the result of a long and tedious investigation by the President and then by Congress, when the President, under a resolution, transmitted all the papers to Congress.

Jackson, after a few months, resigned the office and went home, and one reason given was that he did not want to exercise the power which had been put on him. The whole charge of imperialism made at the time by Jackson’s enemies more than fell to the ground, because he shrank away from the exercise of power which devolved on him by the terms of the treaty — the purchase.

General Jackson, with Mrs. Jackson, reached home in October, 1821, after resigning the office, and as he and Mrs. Jackson both hoped and believed, for a long Hermitage rest. From January, 1813, until October, 1821, eight years and nine months, General Jackson had been a stranger at his

beloved home and a slave to his country — a slave with great and increasing honors, but still a slave. The end of every campaign found him prostrated. At the end of the Creek campaign he was wasted away until his soldiers felt the greatest anxiety about him. Starved as he was through it, his life-long complaint, diarrhœa, was wearing him down.

At New Orleans, when he received the news on the 23d of December, 1814, that the British had landed at the head of Lake Borgne, he was prostrate in bed. It was 2 o'clock in the evening, but that night he led his army into the terrible "Night Battle." All his officers bore evidence that for three or four days before the final battle, he did not sleep, and was constantly on his horse. And when he returned from the Seminole War, his own evidence was, that one foot was in the grave and the other on the brink of it. And during his vexatious term as Governor in Florida, he was a great sufferer and an invalid.

Whoever studies General Jackson will come to the conclusion that of all our public men who reached the presidency finally, he was the least ambitious in the sense of wanting office for its emoluments, and I am sure that when he resigned the office of Governor of Florida and came home, he came to enjoy the sweets of the home he loved, and that without ambition or desire for office. Indeed, his health was exceedingly precarious. It was only a few days after he reached home until he and Mrs. Jackson walked out into the garden and selected the spot where their mortal bodies are now passing under the decree of "dust to dust and ashes to ashes." The great man's letters and his conversation with his friends all indicate a sincere pleasure in a quiet rest, until the end came, about which he was always a great philosopher.

This view is not in accord with the public estimate, but it is strengthened by his whole life. With him civil office never had enticements. He consented to serve in 1796, in

the convention that made the Constitution, only as a matter of duty and interest in seeing a truly republican State Constitution made.

Mr. Jefferson at one time pronounced the Constitution made at Knoxville the most strikingly republican, in all its parts, of any of the State Constitutions. This was Jackson's work more than any other man's. When he consented to go to Congress, the lower House, it was to do a particular thing — get pay for the soldiers who had served in the Indian wars under Sevier. This done, he came home and did not return.

When first elected to the United States Senate, he served one session and resigned. He was elected Judge of the Supreme Court, and after serving five years, without ever writing an opinion that has been found, resigned. Moreover, in 1816, when the country had nothing but songs of joy for his great victory over the British the previous year, and the people commenced talking about him for President, he in a peremptory way stopped it, distrusting his fitness. He was then forty-nine years old — the age that men imagine themselves fit for anything.

One thing can be said with absolute truth: General Jackson did not hold one place as a means of getting a higher place; neither office in civil life nor position in the army was used as a means of electioneering. It can be truly said — it may surprise many — that after the battle of New Orleans he seemed unconscious, and I believe was unconscious, of his popularity or his power. From his youth he believed he had military genius, and strange to say, he had no ambition in any other direction. From the start, he impressed all who came in contact with him that he had military talent. This sentiment was so strong among the people that, without any record in public life to commend him, and entirely without fame or even experience in military life, he was elected Major General of the Militia of

Tennessee over John Sevier. Sevier was a man of high order, educated, was himself a born soldier, was at the time the best known Indian fighter in the country, having fought more than thirty battles with the Indians and was always victorious. This victory over Sevier is all the more surprising because a high military position at that time was a much bigger thing than one in civil office, and because Sevier not only had the prestige of a military career in Indian warfare, which, in history, to this day, is unexcelled; but his popularity was so great that for about forty years he served his country in the Indian wars, in the Revolution, at the Battle of King's Mountain, and was twelve years Governor of the State, and was so popular as a member of Congress that the day he died his district voted for his resolution almost unanimously.

The man who knew General Jackson better than any other, and who, if he had undertaken it, was the most competent to write his life, was Maj. William B. Lewis, for he had followed Jackson through his career as General and as President, and stayed with him, just like Boswell followed and stayed with Sam Johnson. Here is what he says about Jackson, which will surprise all who are ignorant of Jackson's true character:

"When General Jackson was fighting the battles of his country, and acquiring for himself and it imperishable glory, he never once thought, as I verily believe, of reaching the presidency. He did not dream of such a thing — the idea never entered his imagination. All he aimed at or desired at the time was military renown, acquired by patriotic services. This he prized far above all civil fame, and does even now, if I know anything of the feelings of his heart. He was naturally and essentially a military man. Full of ardor, of indomitable courage, possessing the rare quality of inspiring every man about him with feelings as enthusiastic and as dauntless as his own; quick to conceive and as

prompt to execute; vigilant and of untiring industry, and, in addition to all these high and noble qualities, he was endowed with a sound judgment and discriminating mind. In fact, he had all the requisites of a great military commander, and, with the same theater to act upon, he would not, in my opinion, have been inferior to any of the great military leaders of either ancient or modern times. This you may consider extravagant; but, I assure you, I do firmly and conscientiously believe that, by nature, he was not, as a military man, inferior to either Alexander, Julius Cæsar or Napoleon Bonaparte, and had he occupied the place of either, under like circumstances, would not have been less successful or distinguished.

“With these feelings and views, thirsting for military fame, and ambitious of being distinguished as a great commander, is it unreasonable to suppose that civil honors were but little coveted or cared for by him? No, my friend, he did not even dream of the high civic destiny that awaited him, and which was to be the crowning glory of his life and character. The first suggestion of that sort came from Kentucky, and was made in the summer of 1815, by an officer who was under his command and assisted in the defense of New Orleans. (Mr. Edward Livingston, too, about this time suggested the same thing.) The letter of this officer was addressed to a third person, a mutual friend, who enclosed it to General Jackson, as was undoubtedly expected by the writer. In this letter it was proposed that he should be forthwith brought out as a candidate; but the General laughed at the idea, and, returning the letter to his friend, begged that nothing further might be either said or done in relation to the matter. The proposition was too absurd, he said, to be entertained for a moment. In fact, nothing further was thought or said, as I believe, upon the subject of his being a candidate until about the close of Mr. Monroe’s first term. Thus began and thus ended the first

movement in favor of bringing out General Jackson for the presidency. Colonel Burr, I am well aware, had no agency in this, for it occurred some three months before the date of his letter to Governor Alston; nor was it put in motion by any combination of militant Federalists and anti-Jeffersonians.

“As long as General Jackson remained in the military service of his country little was said about bringing him out for the presidency. Having been appointed Governor of Florida by the President of the United States, he resigned his commission in the army about the 1st of June, 1821, and repaired forthwith to Pensacola to receive the territory from the Spanish authorities. After organizing a territorial government and putting it in operation he withdrew from all public employment and returned to Tennessee, where he expected to spend the rest of his life as a private citizen. Nor, indeed, was it believed by his friends that they would be blessed with his society very long, as his health was at that time, and had been for six or seven years previous, very feeble, and his constitution apparently exhausted and broken down. No sooner, however, had he become a private citizen and had set himself down once more upon his own beautiful estate, the Hermitage, than the eyes of his fellow citizens were turned toward him as having eminently entitled himself, by his brilliant and patriotic services, to the highest honors within the gift of a free and enlightened people.”

There have been many and varied stories as to how General Jackson came to be a candidate for President. A story was published, and it went the rounds, with variations, that an obscure man in a Pennsylvania convention got up and with a flourish nominated Andrew Jackson for President of the United States, and that it went to the country like a new discovery. This was in 1823. Then it was widely circulated by the giving of a dinner to General Jackson by Mr. Adams, who was at the time Secretary of State. He became

prominent as a candidate, and it was this dinner that brought him out. Then it was pressed on the public by the politicians that the celebrated letters written by Mr. Monroe, as to the manner of filling offices, removing office-holders and making appointments, so in conflict with the spoils system, "To the victor belong the spoils," attributed to General Jackson, but uttered by Mr. Marcy and very much regretted by him when he came to revise the manuscript, and the doctrine of which letters Mr. Benton shows General Jackson carried out when he came to be President, had such an effect on the Federalists that they came forward and brought Jackson out as a candidate.

These stories were all fictions of the politicians. Jackson was brought out, or rather put forward, by Tennessee. In the winter of 1821-22 and the spring of 1822, after General Jackson had resigned the office of Major General in the United States Army, and after he came home from Florida, the people began to talk about him for President, and there was well nigh a universal sentiment that on the meeting of the Legislature he should be formally nominated by that body, and it was done. General Jackson was not a party to this move. This whole story is well and interestingly told by Maj. William B. Lewis, along with other incidental matters of history, as follows, which I am sure will be like fresh news to the present generation:

"In Tennessee, and particularly at Nashville, his friends began to speak of him as a candidate, and in good earnest to take the necessary steps to place his name prominently before the country. It is true that some four or five candidates were already on the field, but so confident were they of General Jackson's strength and popularity with the people, on account of his great public services, that they had no fears for the result. They not only, therefore, began to speak out upon the subject, but to make their wishes and intentions known through the public journals. The first demonstra-

tion of this latter method of supporting him was made in January, 1822, in one of the Nashville papers. Soon afterwards the editor of the *Nashville Gazette*, Colonel Wilson, took the field openly and boldly for the General as his candidate for the presidency. The proposition was cordially responded to by the people of Tennessee, and was also well received in other States, particularly so in the then Democratic and patriotic State of Pennsylvania. The inquiry now was, In what way shall his name be presented to the nation? The most imposing manner of bringing him forward and presenting him to the other States of the Union, it was finally agreed, would be by the Legislature of his own State. This would not only give weight to the nomination, it was believed, but would show to the whole country that we were in earnest. It was determined, therefore, that the necessary steps should be taken to bring him forward at the next session of the Legislature."

Here Mr. Lewis gives an account of a trip to North Carolina, and says:

"I returned to Nashville about the first of June and found the friends of the General in high spirits and sanguine of success. Indeed, this feeling was not confined to Nashville; it pervaded the whole State. Under this state of things the Legislature met, and in a few days thereafter, the 20th of July, 1822, adopted a preamble and resolution which placed the General before the country as a legitimate candidate for the presidency.

"Being now formally nominated, his friends in every section of the Union entered into the contest with increased vigor and energy. But few of the Federalists, however, took any part in it until after the publication in May, 1824, of the General's celebrated letters to Mr. Monroe. Indeed, but few of them, if any, knew of their existence until then, though they, it has been alleged, had won their hearts as early as 1815. I should, however, except Gen. William

Polk, to whom I showed the letter of the 12th of November, 1816, in the autumn of 1823, as before stated; and perhaps John Quincy Adams also, to whom Mr. Monroe, I have no doubt, showed both letters, which accounts to my mind at least, for his having sustained the General in his Seminole Campaign with so much ability and zeal, in his despatch to our Minister at Madrid.

“The General being now fairly out as a candidate, it was considered indispensable, in order to make his success the more certain, that the congressional caucus should be broken down. This was an engine of great political power, and had been used by the politicians of the country for twenty years in manufacturing Presidents, and unless it could be destroyed it would be difficult to overcome its influence upon those who had so long looked upon its nominees as the only true and legitimate party candidates. With a view to accomplish this object, Judges Overton and Haywood, both able and distinguished lawyers, opened a heavy and effective fire upon it in a series of well written numbers, which were published in the Nashville papers. These, with the attacks made upon it in other quarters, added to General Jackson’s great personal popularity, doubtless contributed greatly to the overthrow of that renowned personage, ‘King Caucus,’ as it was then derisively called. It is true he mounted his throne in the winter of 1823-24 and nominated as Mr. Monroe’s successor William H. Crawford, but his majesty had become powerless, and his nominee for the first time was badly beaten. This was the last time he ascended his throne, having died soon after of the wounds he received in the campaign of 1824, and has never been heard of since. Not even his ghost made its appearance in the presidential contest of 1828. It strikes me that you will be equally at a loss to perceive in all this any agency of either Colonel Burr, his militant Federalists, or anti-Jeffersonians.

“As Tennessee was almost unanimous in favor of General

Jackson, it might have been supposed that his friends would have little or no trouble in that State after his nomination. Such, however, was not the fact. Col. John Williams had been a Senator from our State in Congress for eight years, and as his term of service expired on the 3d of March, 1823, the Legislature which met in October of that year had to elect a new Senator. Colonel Williams was a candidate for re-election; but being a personal and political enemy of General Jackson, it was determined, if possible, to defeat him, unless he would pledge himself to the support of the General for the presidency. This he refused to do, having already engaged to support Mr. Crawford. The General's friends had no alternative left them but to beat him, and this was no easy task. East Tennessee claimed the Senator, and the Colonel was a great favorite with the people of that end of the State. Besides, with the view of strengthening himself in other sections, soon after the elections in August were over, he mounted his horse and rode through the whole State, calling on the members-elect of the Legislature and obtaining promises from most of them to vote for him. They should not have thus committed themselves; but having done so, the greater part of them were disposed to redeem their pledges, though admitting they had done wrong. The most devoted and zealous of the General's friends were determined, however, to leave no stone unturned to defeat Williams' election. Several persons were spoken of as opposing candidates, but none of them could obtain, as was ascertained, the requisite number of votes. The General's old friend, Johnny Rhea, could come nearest, but he lacked three votes. This was a very unpleasant state of things. To elect a bitter, personal enemy of General Jackson, and one who was known to be in favor of Mr. Crawford for the presidency, would have a most injurious effect, it was believed, upon his prospects. Notwithstanding he had been nominated by the Legislature some fifteen

months before, it was apprehended that if any enemy of his should be sent to the Senate it would be difficult to make the other States believe that Tennessee was in earnest in her support of him. It would certainly have the appearance of great inconsistency, and well calculated to nullify the effect of his nomination.

“This could not be permitted, and it was resolved at all hazards to defeat the election of Colonel Williams. It became necessary now to play a bold and decisive game. As nobody else could be found to beat the Colonel, it was proposed to beat him with the General himself. This having been made known, produced great uneasiness and alarm among the more timid members from an apprehension that even he could not be elected; but Mr. Eaton and myself, who were on the ground, took upon ourselves the responsibility of the step, and insisted on his being nominated to the Legislature as a candidate for the Senate. We came to the conclusion that if the General must be politically sacrificed, it mattered little in what way it was done—whether by being defeated himself in the election of a United States Senator, or by the election of his bitter enemy. But I had no fear of his being defeated. I did not believe it possible that a majority of the members would be willing to take upon themselves the responsibility of voting against him. He was accordingly nominated to the Legislature by Major Maney, a highly respectable member from Williamson County, and he was elected as I anticipated by quite a large majority. Had he been beaten it might possibly have destroyed, or at least impaired his prospects for the presidency; but his defeat it was believed would not be more blasting in its effect than the election of Colonel Williams under all the circumstances of the case.

“These are the reasons which induced the friends of General Jackson to send him to the United States Senate in the winter of 1823-24, which was thought by many of his

friends at the time to be rash and impolitic. The General himself was far from desiring it; but there was no help for it, and he submitted with a good grace. He was a soldier and knew how to obey as well as to command. It is proper, however, to state that the members of the Legislature who were in favor of electing Colonel Williams declared themselves to be decidedly the friends of General Jackson; but they maintained that to support the latter did not make it necessary to sacrifice the former. The active and most decided of the General's friends, however, differed with them in opinion. They had no doubt that to sustain Colonel Williams under such circumstances would be injurious to the prospects of the General for the presidency."

When a member of the Legislature wrote General Jackson to know if he would allow his name to be used as a candidate for the Senate against Colonel Williams, Jackson replied:

"I have earnestly to request my friends and beg of you not to press me to an acceptance of the appointment. If appointed, I could not decline, and yet, in accepting it I should do great violence to my wishes and to my feelings. The length of time I have passed in public service authorizes me to make this request, which with my friends I trust will be considered reasonable and proper."

CHAPTER XLIV.

JACKSON'S CANDIDACY FOR THE PRESIDENCY MADE LIGHT OF IN NORTH—JACKSON'S POLISHED MANNERS SHOWN BY INCIDENTS—FIGHT AGAINST "KING CAUCUS"—PARTON ON PENNSYLVANIA'S ATTITUDE TOWARD JACKSON—JACKSON PRESENTED WITH WASHINGTON'S PISTOLS AND A MEDAL FROM CONGRESS—THE CELEBRATED COLMAN LETTER—WASHINGTON'S POCKET TELESCOPE PRESENTED TO JACKSON—BOSTON OPINION OF JACKSON'S ASSERTION ABOUT THE HARTFORD CONVENTION—JACKSON'S LETTERS TO MAJOR WILLIAM B. LEWIS AND COL. GEORGE WILSON CONCERNING THE EVENTS OF HIS CANDIDACY FOR PRESIDENT IN 1824.

I HAVE already shown that General Jackson had not only done nothing to have himself brought out as a candidate for President, but he had done what he could to prevent it. As far back as 1816, one year after he fought the battle of New Orleans, some one mentioned his name as a candidate for President, and it was mentioned to him by close friends. He at once met it and told them that he must not be talked about as a candidate for President; he was not suited for a civil office, and he was not fit to be a President. He was so positive and pronounced that his friends ceased all discussion of the question. This illustrates one of the peculiarities of General Jackson—he really had no fondness for civil life, and believed from his boyhood he was a military man by nature. There perhaps has never been a great man in the United States who, if he had been in General Jackson's position, and had won the great victory over the British at New Orleans which he did,

after the British army had subjugated the North and won a victory in every battle they had fought, who would not have been a candidate for President.

All who have kept up with my previous chapters know that no victory in this country, and perhaps, no victory in any country, unless it was Wellington's victory over Napoleon, created such a sensation and developed such a feeling of gratitude as General Jackson's victory at New Orleans; and yet he never seemed to be lifted up, he never seemed to think he had done anything extraordinary. And after putting aside the talk in 1816 in the positive manner he did, there was no further talk about his being President until the winter of 1822-23. In the fall of 1822, one of the Nashville papers put his name up as a candidate for the presidency. The preceding chapter shows that he was, by the Tennessee Legislature, brought out as a candidate, and, under peculiar circumstances, while a candidate for President, was elected to the United States Senate.

When Tennessee put him forward and he was recognized as a candidate, the North actually made fun of him; scarcely any one in the North seriously considered him as a candidate. This grew out of two facts. One of these was that there were already several candidates out — Mr. Clay, Mr. Calhoun and Mr. Crawford and Mr. Webster were much talked of. The other fact was that up to this time the North had no conception of Jackson's real character; he was there regarded as an ugly, strong oak out in the swamp. There was no change in the public sentiment about General Jackson until the winter of 1822-23, when he was in the Senate, and getting into the Senate he made an impression on the country in a short time, and was soon recognized by many people in the North as a dignified Senator. In fact, they had simply known of him as a backwoodsman, and believed he was entirely without education,

and hence, to them, it was most ridiculous to talk about him as President.

At Washington he developed the character of a born gentleman, to the surprise of many—an accomplished man—not accomplished in a literary sense, but accomplished in the sense of having learned more from observation than perhaps any man of his time. To be a gentleman in social life had come to him as natural as it comes to a young bird to fly, or a fish to swim. He did not have to learn social life. There could be many instances cited showing that while the North was looking upon him as a backwoodsman, conceding that he was a General, a man of great will power, force of character, but claiming that he was an ignorant man, yet in the community where he lived he was regarded as a most accomplished man. He knew what to do, he knew how to talk, what to say, and was in the parlor a most graceful man—in fact, he was a surprise to everybody in social life in Washington.

The incidents that I have already published of the French lady seeing him at Washington, and of his visit to Mrs. Livingston at New Orleans show—if there was nothing else to show—how ladies in high life regarded him; and yet, with all this, up to the time he was elected to the Senate and had reached Washington, the North seems never to have found out that he was anything but a backwoodsman. Shortly after he reached Washington Mr. Adams, the then Secretary of State, gave him a dinner, and his deportment, manner of meeting people, the ease and fluency with which he conversed surprised many and set the people to talking. He had not been in the Senate long, where the public men could see him, when he began to be talked about over the country as a candidate.

Mr. Benton was doing all he could at the time for Mr. Clay, his wife being a niece of Mr. Clay, and Mr. Van Buren was doing all he could for Crawford in New York,

but Tennessee having put Jackson forward as a candidate for President, and Jackson seeing that he was in for it, went at it as he did everything else. It was a fight from the start, and he opened his battle against "King Caucus."

Up to 1824 candidates for President had been brought out by a caucus composed entirely of members of Congress, and at the time Jackson was brought out by Tennessee nothing had been thought of a Congressional caucus, but Jackson believed in the people and hated any system that got away from them; so he gave the sign, and his friends through the press opened fire on "King Caucus." Crawford was the favorite with the members of Congress and warmly advocated the old system, but the other candidates soon fell in with Jackson. Nevertheless the caucus was held and Crawford was nominated, the other candidates keeping their friends out. The meager attendance rendered the nomination ineffective; indeed, it weakened the chances of Mr. Crawford. The count was Crawford 64, Adams 2, Macon 1, Jackson 1. Albert Gallatin was nominated for Vice President. William H. Crawford and Albert Gallatin were declared the candidates of the caucus; Mr. Gallatin was afterwards, because of not being a native-born citizen of the United States, withdrawn.

In the Senate Jackson's dignity and courtly bearing so surprised the Senators that they commenced writing about him. Mr. Webster wrote to his brother Ezekiel: "The caucus has hurt nobody but its friends as far as I can now judge. Mr. Adams' chance seems to increase, and he and General Jackson are likely to be the real competitors at last. General Jackson's manners are more presidential than those of any of the candidates. He is grave, mild, and reserved. My wife is for him decidedly." Again Webster wrote: "As to President, Jackson seems to be making headway, yet, Arbuthnot and Ambrister notwithstanding. The truth is, he is the people's candidate in the South and West."

Mr. Parton, speaking of Pennsylvania, says: "The general pooh-pooh with which the announcement of Jackson's nomination by Tennessee had been received in the East and the North was very soon changed into apprehension, which fast became consternation, for lo! the great State of Pennsylvania began to show the most unequivocal preference for the 'military chieftain'—Pennsylvania, upon which the friends of Mr. Calhoun had surely relied. An ominous scene had occurred in Carlisle, several weeks before the meeting of Mr. Crawford's caucus, which presaged coming events. A large meeting, summoned by the friends of Mr. Calhoun, assembled in that town, and a series of resolutions was read recommending Mr. Calhoun as Pennsylvania's candidate. The vote of the meeting was about to be taken when a gentleman rose and quietly moved that the resolutions be amended by striking out the name of John C. Calhoun and inserting in its place that of Andrew Jackson. The assembly rose *en masse* and carried the amendment by acclamation.

"Philadelphia took up the magical name. At a meeting called in Philadelphia to select delegates to a State nominating convention, George M. Dallas, who had been up to this time the advocate of Mr. Calhoun, proposed the name of Jackson, saying that they did so only in deference to the known wishes of the people. The convention met at Harrisburg on the 4th of March, 1824, and made short work of the business before them. A spectator of the proceedings briefly writes: 'Jonathan Roberts moved that the convention approve the nomination agreed upon at the caucus at Washington City. This motion was negatived; ayes, 2; nays, 123. He then moved that the electors be appointed without instructions to vote for any particular candidates as President and Vice President. This motion was also lost—ayes, 33; nays, 92. Andrew Jackson was then nominated as a candidate for President, Jonathan Roberts being the

only member of the convention who voted against him. John C. Calhoun was afterward nominated as a candidate for Vice President.' ”

Immediately after this Mr. Calhoun withdrew from the race, leaving Crawford and Jackson, Adams and Clay in the field.

During this session of Congress the pistols of General Washington, given to him by Lafayette, and which had become the property of William Robinson, one of General Washington's legatees, through a Congressional delegation were presented to General Jackson.

At this session also another event of note occurred. General Jackson in a letter to his nephew, Andrew Jackson Donelson, refers to it as follows:

“Yesterday, the 16th of March, being my birthday, and having entered upon my 58th year, I had a few friends to dine with me, and the evening was spent agreeably. Thus I have entered my 58th year. How I may end it is for Providence to decide. Today, at 11 o'clock A.M., I was notified by the President to attend him that he might present me with the medal voted by Congress on the 27th of February, 1815. Accordingly, attended by Major Eaton, General Cobb, and Mr. E. Livingston I waited upon him, when, in the presence of the heads of departments, the ladies of the executive head, in due form and pomp it was presented. Of all things I hate to speak of myself, and these parades and pomp are most disagreeable to me. You will see it in print, and to that I refer you.”

It was during this session that he wrote the celebrated Colman letter, in which he said: “This tariff—I mean a judicious one—possesses more fanciful than real dangers. I will ask what is the real situation of the agriculturists? Where has the American farmer a market for his surplus products? Except for cotton, he has neither a foreign nor a home market. Does not this clearly prove, when there is

no market either at home or abroad, that there is too much labor employed in agriculture, and that the channels of labor should be multiplied? Common sense points out at once the remedy. Draw from agriculture the superabundant labor, employ it in mechanism and manufactures, thereby creating a home market for your breadstuffs and distributing labor to a most profitable account, and benefits to the country will result. Take from agriculture in the United States 600,000 men, women, and children and you at once give a home market for more breadstuffs than all Europe now furnishes us. In short, sir, we have been too long subject to the policy of the British merchants. It is time we should become a little more Americanized, and instead of feeding the paupers and laborers of Europe feed our own, or else in a short time, by continuing our present policy, we shall be paupers ourselves."

On New Year's Day, 1824, the *Intelligencer* says: "Mr. Custis, of Arlington, in the presence of a numerous company, presented him with the pocket telescope carried by General Washington during the Revolutionary War. General Jackson received the relic, says the reporter, 'in a manner peculiarly impressive, which showed that, however time and hard service may have impaired a frame no longer young, the heart was still entire and alive to the heroic and generous feelings of the soldier, the patriot, and the friend.'"

About this time the celebrated Monroe's letters, heretofore published in this series of letters, became known; they both helped and hurt Jackson. In one of them he said: "If he had been in command of the eastern division of the army when the Hartford Convention met he would have brought its members to court martial." And the *Boston Gazette* retorted: "If this Hotspur of the South had been commander of the military department where the Hartford Convention sat, it would have been the last act of his life to have interfered with that body; all the forces the General

Government ever provided for the seacoast defense in New England could not for a moment have contended with the trained hands of the smallest district. Had he attempted to push the doorkeeper of the Hartford Convention he would, like Haman, have found himself elevated on the gallows he had erected for others; for among these quiet spirits deliberating for the public good were men whose pluck was not inferior to his own, and who, if they were less fierce, were not less firm."

The following letters were written while he was in the Senate, and I give them because letters by a candidate to special friends and not intended for publication come nearer showing posterity the man, who he was and what were his aims, than anything else:

"CITY OF WASHINGTON, February 9, 1824.

"*Dear Sir:* The Presidential question begins to agitate the minds of the people much. The attempt of a small minority of the members of Congress to get up a caucus and force public opinion to take up a particular candidate will still agitate it more, and I trust will eventuate in prostrating the caucus system altogether. Should the people suffer themselves to be dictated to by designing demagogues who carry on everything by intrigue and management, they cannot expect to see their present happy government perpetuated. It must sink under the scenes of corruption that will be practiced under such a system; and, in time, open bribery may, and I have no doubt will, be resorted to to obtain a seat in the presidential chair, if the people do not assume their rights of choosing a President for themselves.

"In this contest I take no part. I have long since prepared my heart to say with heartfelt submission. 'May the Lord's will be done.' If it is intended by Providence that I should fill the presidential chair, I will submit to it with all humility, and endeavor to labor four years with an eye single to the public good, imploring the guidance of Providence in all things. But be assured it will be an event that I never wished nor expected. My only ambition was to

spend the remainder of my days in domestic retirement with my little family. It has turned out otherwise to my great annoyance. Still I submit with proper resignation. I thank you for your kind attention to Mrs. J. Be good enough to continue your attentions to her. Present me respectfully to your good lady, Emily, and little family, and believe me your friend,

“ANDREW JACKSON.

“To Major William B. Lewis.”

“CITY OF WASHINGTON, February 22, 1824.

“*Dear Major:* Mr. Crawford’s friends have become desperate, and will do anything—their motto, the end is worthy of the means. Their minority caucus has recoiled upon their own heads, and the unanimity of Pennsylvania has defeated all their plans. I refer you to the newspapers for the current news of the day. Wonder not if you see the attempts made to make me a Federalist. The proof—a letter I wrote to Mr. Monroe in 1816 or 1817. You no doubt recollect it. It was copied by you; wrote to bring into the War Department Colonel Drayton, who served throughout the late war. By some means Mr. Monroe’s letter in answer to mine has got into their hands. Mr. Monroe says by stealth, and I have no doubt but that all my private letters are also in their hands. But one thing I know, that the opinions expressed are the true republican course; let men call them what you will, who risk life, health, and their all in defense of their country, are its real support and are entitled to share the offices of the Government. Colonel Drayton was said to be a Federalist before the war. I can truly say of such that we are all Federalists, we are all Republicans; and I would to God we had less professions and more acts of real patriotism.

“I am truly crowded with various business. I beg you to tender me affectionately to your sister, your daughter, and kiss the babes for me.

“I had not influence to obtain the mission to Mexico for our friend, General Stokes. As soon as I found we could not succeed with General Crabb, I threw my weight in the General’s scale. I am disgusted with the manner and

means all things are carried on here. When I was told that General Stokes could not be appointed because he dissipated sometimes at a card table, I then tried Mr. Baldwin, with as little effect as any other.

"Governor Edmonds, of Illinois, is before the Senate. I write in haste and for your own eye.

"Your friend,

"ANDREW JACKSON.

"To Major William B. Lewis."

"WASHINGTON, March 31, 1824.

"Dear Major: On the subject of Mr. Calhoun, I have no doubt myself but his friends acted agreeable to his understanding and instructions, and that he is sincere in his wishes. Some have doubted this, but I have not; and I can give you, when we meet, reasons that will convince you that I cannot be mistaken. As far as his friends to the South have acted, it is conformable to this, and I have no doubt but both the Carolinas will unite in my support. You have seen the result of Pennsylvania. New York is coming out, and, it is said, some of the New England States. A few weeks will give us the result of the movement of New York. If Crawford is not supported in that State, I have but little doubt but he will be dropped, and, from what you will see in the *National Intelligencer* of this morning, Mr. Clay taken up. I have no doubt if I was to travel to Boston, where I have been invited, that it would insure my election. But this I cannot do. I would feel degraded the balance of my life. If I ever fill that office it must be the free choice of the people. I can then say that I am President of the nation, and my acts shall comport with that character.

"I am so constantly engaged with visitors that I have but little time to write, except in the night. You must, therefore, pardon this hasty scrawl.

"Present me to the young ladies, and accept my best wishes for your health and happiness, and believe me your friend,

"ANDREW JACKSON.

"To Col. George Wilson."

“WASHINGTON, April 17, 1824.

“*Dear Sir:* Yours of the 2d instant received. The vote in the House of Representatives was yesterday taken, after ten weeks’ debate, on the tariff, and passed, 107 ayes and 102 noes. What may be its fate in the Senate I cannot say.

“It is well known that I am in favor of the general principle of the bill—that I am in favor of encouraging by a fair competition the manufactory of the national means of defense with ourselves, and not to depend in time of war to procure those means from the precarious source of commerce, which must always be interrupted by war, and, as in the last war, could not be obtained, and when obtained it was at a war price, to the great injury of the Treasury. I am for a plan that will insure our national defense and national independence, encourage our agricultural portion of the community, and with its manufactures and commerce as the handmaids of agriculture, and look to the tariff—after these objects are obtained—with an eye to revenue, to meet and extinguish our national debt. This is my course; my conscience tells me it is right, and I will pursue it.

“It is strange to me to hear men who once agreed that a national debt was a national curse, now advocate the policy of meeting it by loans, rather than levy an impost to pay it. I individually have always thought this an improper course to pursue with my private debts; and, as nations are a composition of individuals, I cannot believe, when applied to them, it is a wholesome rule. I am therefore opposed to prolong the payment of our national debt, and thereby raise up in our country a moneyed aristocracy dangerous to our liberty.

“How long the tariff bill may be before the Senate I cannot say; so soon as it is disposed of, and some other bills, I intend leaving here.

“The papers will have given you the news of the late policy of the State of New York. The feelings of the people are aroused and cannot be allayed until their vengeance reaches those representatives who, they believe, will follow Pennsylvania. Virginia has taken a stand against the caucus, and her State elections are canvassed on that ground. In London a Mr. Osborne has been elected by a

large majority on this avowed principle. It is even now doubtful whether Mr. Crawford will get Virginia. I write in haste and for your own eye. Accept a tender of my good wishes, and believe me your friend,

“ANDREW JACKSON.

“To Col. George Wilson.”

“HERMITAGE, August 13. 1824.

“Dear Colonel: I received last evening by mail the enclosed letter. I send it for your perusal. I have not seen the paper of Richie, of the 20th ultimo, alluded to; cannot therefore judge of the necessity or propriety of giving any notice to this publication. Was I to notice the false insinuations and falsehoods of Richie and such unprincipled editors, I should have time for nothing else. Should you, upon reference to the piece alluded to, think it deserves any notice, such a one as the following might be proper: That General Jackson’s course requires neither falsehood nor intrigue to support it. He has been brought before the nation by the people, without his knowledge, wishes, or consent. His support is the people. And so long as they choose to support him, as to himself he will not interfere. He will neither resign his pretensions, intrigue, nor combine with any man or set of men, nor has he ever so combined or intrigued. Mr. Richie may therefore be calm. The General nor his friends will never adopt the course of intrigue, combination, and corruption pursued by Mr. Richie and his political friends, for any purpose whatever. Their cause requires neither falsehood nor corruption to support it. It is the people’s cause. They have brought A. J. before the nation. I am very respectfully your friend,

“ANDREW JACKSON.”

CHAPTER XLV.

THE "JACKSONIAN PERIOD"—RECEIPTS AND EXPENDITURES OF THE FEDERAL GOVERNMENT AT THE BEGINNING OF THIS EPOCH—JACKSON'S FIGHT AGAINST THE CONGRESSIONAL CAUCUS—STATISTICS OF THE ELECTION OF 1824—ORIGIN OF SCHISM IN THE DEMOCRATIC (REPUBLICAN) PARTY—SALIENT FACTS IN CAREERS OF CLAY AND JACKSON—RESULTS OF THE ELECTION—BENTON'S ADVOCACY OF JACKSON—BENTON'S CONTROVERSY WITH JOHN SCOTT—PARTON'S ACCOUNT OF JACKSON'S FALL OPENING WOUND MADE BY DICKINSON—JACKSON REVEALED BY HIS CORRESPONDENCE—JACKSON'S LETTER TO MR. SWARTWOUT IN REGARD TO THE CHARGE OF BEING A "MILITARY CHIEFTAIN."

IN APPROACHING the "Jacksonian period"—Jackson alone of all our public men stamped on the history of his country an epoch singularly his own—the most striking feature is the fear that the country would find in the renowned military chieftain a civil chieftain, still with his sword in his hand. And while some, through his entire career, seem never to have been undeceived, I trust I shall be able to show by conclusive proof that of all our Presidents not one was a more intelligent and faithful expounder of the doctrine that civil authority is superior to the military, and certainly no public man has so fully committed himself against a large standing army. At the very outset in his inaugural, usually devoted to generalities which may be shifted as the wind turns the arrow from point to point, General Jackson announced that, "considering standing armies as dangerous to free government in times of peace, I shall not seek to enlarge our present establishment, nor disregard the salutary lesson of political experience, which

teaches that the military should be held subordinate to the civil power."

It will be interesting, in these times of a billion dollar Congress, to know what Congress was doing in the way of economy at the time General Jackson entered upon a career, now known as the "Jacksonian epoch." Going back a few years, the beginning of Mr. Monroe's second term, thirty-three years after the Government was formed, the receipts of the Treasury in that year were \$21,000,000 to pay interest and other fixed incidental expenses. Reduction of expenses seemed a necessity. The army was reduced from 10,000 men to 6,000 at a time when General Jackson was the confidential adviser of the President. The annual increase of \$1,000,000 for the navy was reduced to half a million. Large reductions were made on the annual appropriations, such was the tendency to economy. As an illustration, the Attorney General had a clerk at \$800 which was reduced. But still a loan of \$5,000,000 was ordered. Of \$21,000,000 to be raised, more than half of it was applied to fixed charges, showing the expense of the administration was only \$10,000,000. On the opening of Congress, 1820-21, the evidence of financial distress came from nearly all the new States in the shape of memorials praying relief—lands had been bought at \$2.00 per acre from the Government, but the people were wholly unable to pay. The President took up the subject in his message. Mr. Crawford was Secretary of the Treasury, and he recommended a system which was adopted. Besides recommending indulgence, the principle of relief was to change all sales of land from the credit to the cash system and to reduce the minimum price of the land from two dollars to one dollar and a quarter, and to give all present debtors the benefit of that system by allowing them to consolidate payments already made on different tracts to any particular one, relinquishing the rest and allowing a discount for

ready pay on all that had been entered equal to the difference between the former and the present minimum price.

This released the purchaser from debt and the Government from the relation of creditor to its own citizens. A debt of \$23,000,000 was got rid of, and the purchasers were enabled to save lands at the reduced price, to the amount of their payments already made, whereby many distressed people were enabled to save their homes, and as much more as they were able to pay for at the reduced price. I have introduced this to show a happy instance of the combined wisdom and mercy of the Government towards the citizen when public offices were filled with men from whom we might take lessons.

After General Jackson was elected to the Senate, being already put forward as a candidate for President by the Tennessee Legislature, having had nothing to do, so far as I can see, with having himself brought out, he at once accepted the suggestion of the Tennessee Legislature, and went at it as he went at everything else in life. The first thing he did was to attack what he regarded as a vicious practice of bringing out candidates for President. For thirty-six years, from the formation of the Government down to 1820, candidates for President had uniformly been nominated by a Congressional caucus. General Jackson was so much a believer in the voice of the people, and so fully committed against any delegation of the powers of the people, except as provided in the Constitution, that he at once conceived the idea of breaking down the caucus system, and in a short time he not only had the leading newspapers of the country, but he had the candidates for President, except Mr. Crawford, in sympathy with his movement.

The members of Congress seemed unwilling to give up the caucus system, and they got enough of the Democratic members to sign a call to bring about a convention, but all the candidates, except Mr. Crawford, opposed the caucus.

The result was that Mr. Crawford was almost unanimously nominated by the caucus, but it was composed of a perceptibly small number of members, and the nomination manifestly did Mr. Crawford more harm than good. Mr. Calhoun, Mr. Clay, Mr. Adams, and Mr. Crawford were all candidates. Jackson's plan was to get before the people, and it became manifest directly that he was what Mr. Webster said he was, "the candidate of the people." Mr. Calhoun directly withdrew from the race, and practically it came to be a contest between Jackson, Adams, Clay, and Crawford. It would not profit the reader for me to go into the details of this contest. When the election came, it was found that nobody was elected. Jackson led in both the popular and electoral vote, Adams next, Crawford next, Clay fourth, and the election went to the House between the three highest. Perhaps nothing in the history of America in the way of a political contest has attracted more attention than did the result of the election by which Mr. Adams defeated General Jackson.

When the election came up in the house Mr. Callhoun, for Vice President, was elected by an overwhelming majority. His triumph was regarded as giving him a great chance for the Presidency of the next succeeding term.

As between the candidates for President, Mr. Clay had received the entire vote of three States—Kentucky, Missouri, and Ohio—making thirty-seven votes. Mr. Adams received the entire vote of New England, and New York gave him twenty-six out of fifty-six, so he got Maine 9; New Hampshire, 8; Vermont, 7; Massachusetts, 15; Connecticut, 8; Rhode Island, 4; New York, 26; Delaware, 1; Maryland, 3; Louisiana, 2; Illinois, 1. Total, 84.

Jackson got New York, 21; New Jersey, 8; Pennsylvania, 23; Maryland, 7; North Carolina, 11; Tennessee, 11; Louisiana, 3; Mississippi, 3; Alabama, 5; Indiana, 5; Illinois, 2. Total, 99. So that neither had a majority.

The population of the United States in 1820 was 9,500,000. The population of the three States which gave a majority for Mr. Clay was 1,212,337. The population of the three States which preferred Mr. Crawford was 1,497,029. The population of the seven States which gave a majority for Mr. Adams was 3,032,766. The population of the eleven States which voted for Jackson was 3,757,756. Thus the election was thrown into the House, and the exciting contest came which turned upon the vote of Mr. Clay.

No reader of American history desires a recapitulation or a review of the crimination and the recrimination which took place when Mr. Clay gave his vote for Mr. Adams, and elected him over Jackson. Fairness and what is due to history compel me to say that the charge against Mr. Clay of bribery and corruption was entirely unfounded. The proof is absolutely conclusive that Mr. Clay had made up his mind long before the result of the election that, under no circumstances, would he vote for General Jackson, believing, or claiming that it was dangerous to elect a man President of the United States who was a distinguished military chieftain, believing, as he said, that a military man would never fully appreciate the theory of our Government, that the civil power was above the military. General Jackson did not hesitate to openly declare against Mr. Clay, and charge that he had been bribed, putting it mainly on the ground that Mr. Clay was a Western man, and that so far as the vote which had been taken showed anything, it showed that the people were for him (Jackson), he having received largely more electoral votes, as well as more popular votes and the votes of more States than any other candidate. This charge General Jackson continued to make as long as he was in public life, and perhaps never confessed himself convinced that he was mistaken.

The result of the election was a source of great bitterness

and had much to do in splitting the Democratic party, and dividing it into a Jackson party and a Clay party.

I shall use the occasion of this final vote in the House of Representatives as one of the means of getting to the public what I believe was the inward make-up—the real character of General Jackson. Mr. Clay and General Jackson, at the time Mr. Adams was elected by the House of Representatives over Jackson, were unquestionably the two Americans who had inscribed their names on the country's history and in the hearts of the people as no other two men had. In their early manhood, without money and without friends, they had left their homes and associations of youth, when social life was the inviting charm of young manhood, to seek homes in the wilds of the Southwest, in which they not only wrote their names, but they made immortal the very name of the Southwest. Mr. Roosevelt, in his touches, "The Winning of the West," has given an outline of what truthful history will signalize as the trials and successes of American manhood.

Mr. Clay, in very youthful manhood, was appointed Senator from Kentucky as early as 1806, served one term, and was again appointed to fill a second vacancy in the Senate in 1809; served one term, was elected to the Legislature of his adopted State, was promptly made Speaker of the House, served one term, was elected to Congress in 1811; was promptly and almost unanimously made Speaker, and was fourteen years Speaker of the House; then made Secretary of State by Mr. Adams on his victory over Jackson in the House.

General Jackson had even a more limited education than Mr. Clay; they are today the great historic champions of the condemned idea that a man can serve his country and write his own fame where it will stay like the stars, high above the "halls" and the blackboards of New York universities, even if his education has been neglected.

Jackson, when he came to Tennessee, was twenty-one years old; he was promptly made United States Attorney. He commenced his career by attacking a gang of bullies in Sumner County and showing them that the law had some ways of its own, and that bullies were like other people in the hands of the law. In general practice he was at the head of the Nashville bar, having as many cases as all the other lawyers combined in seven years after he came. He was, eight years after he came to the territory, the most intelligent and laborious member of a convention making a constitution, and himself christening what, under his great genius, became the Volunteer State. He gave the new State the name of "Tennessee," afterwards dubbed the "Volunteer State."

On the adjournment of the convention he was promptly sent to Congress, a solitary representative, to secure the passage of a bill to pay the soldiers who, as volunteers, had served under Sevier in defending the frontiers. This accomplished, he resigned and came home. He was then elected Judge of the Supreme Court, served six years, never wrote an opinion, resigned, leaving on record only one notable day's work: A felon who cut off his child's ears refused to be arrested; Jackson got off the bench, arrested him and led him into court, tried him and branded him, all in one day. He then turned merchant, made a fortune, and acquired a credit which enabled him to borrow for friends a large amount of money in Philadelphia when the bankers could not do it. He never sought civil office. The proof is overwhelming, as will be shown, that he not only did not seek the presidency, but repelled all overtures until the voice of the people demanded it. He believed from boyhood that he possessed military genius.

Coming back to Jackson's earlier history: Up to the time he entered the Senate, in 1823, he had served a term in the Senate as well as in the House, when a young man, but had

resigned, as usual; so up to 1813 he had not impressed political managers—they could no more understand him than they could the ways of a lunatic; in fact, they thought a man crazy who did not want offices and threw them away as fast as they came to him, and it seems that Schurz and Lodge can't understand him even now. But they have an excuse; with them, his misspelled words condemn a life of rarest deeds.

The event under consideration, the final break, the bad blood, the acrimonious charges, the great success of the one, more than filling the measure of his ambition, and the ambition of the other, the lifetime ambition, always in sight but never reached, give to the scene in 1824, to the true American, a tinge of sorrow. One of them by a single speech in Congress brought on the war of 1812, under a sense of deepest humiliation at the insults his beloved country was bearing at the hands of old England—in her insulting demands for a new trial on the surrender of Lord Cornwallis. The other closed out the war in the most needed and grandest victory of modern times over a great army which, with savage barbarity, had driven the raw militia of the North into the woods and murdered private citizens. One of them had brought on the war; the other fought it to a finish. One of them, at Ghent, was as true as steel in rejecting the demands of the British ministers, until Jackson, in the Creek war, taught them a lesson. Mr. Clay, with great mortification, signed the treaty, because the denial of the right of search on the high seas was not in the treaty. But Jackson put it there in language in more enduring form than if it had been written in the treaty.

This election signalizes coming events. It made enemies; it made new friends; indirectly it secured for General Jackson the support of Mr. Benton, without whose heroic service in the Senate, in the subsequent conflicts of the "Jacksonian period," no one can now see how he could have been victo-

rious in the attacks made by the combined forces of Clay and Calhoun. Mr. Benton supported Clay, but when he failed to get into the House, Benton turned to Crawford, but soon finding him wholly incompetent for the office from his great paralytic affliction, which his friends had tried to conceal, he turned to Jackson. To some extent, by being with Jackson in the Senate in 1823, the old feud between them had been healed, while there, and on the same committee, they had met and transacted business, and reached speaking terms as if the Tennessee battle royal had never been fought. Mr. Benton was a true man — true to his country, true to the service he was rendering, and especially true to the great West, then a minor, and he its guardian. When Mr. Clay, his kinsman and political idol, dropped out, and Crawford was hopelessly disqualified, knowing Jackson so well, he at once turned to him. He was opposed, as he believed the great West was, to Mr. Adams. He represented the State of Missouri in the Senate, and John Scott (a single member) represented Missouri in the House, and of course, under the Constitution, cast the vote of the State.

The following correspondence shows the stuff of which Benton was made:

“WASHINGTON CITY, February 5, 1825.

“*Hon. T. H. Benton:*

“DEAR SIR — Notwithstanding the conversation we had on Thursday evening and on Friday, from which you might justly conclude that I would not vote for Mr. Adams, I am now inclined to think differently, and unless some other change in my mind takes place, I shall vote for him; I take the earliest opportunity to apprise you of this fact, that you may not commit yourself with friends on the subject.

“JOHN SCOTT.”

“SENATE CHAMBER, February 8, 1825.

“*Sir:* I received on the morning of the 6th instant, your

note of the 5th, in which you make known to me your intention to give the vote of Missouri to Mr. Adams.

"Sinister rumors, and some misgivings of my own, had been preparing my mind for an extraordinary development; but it was not until I had three times talked with you, face to face, that I could believe in the reality of an intention so inconsistent with your previous conversations, so repugnant to your printed pledges, so amazing to your constituents, so fatal to yourself.

"The vote which you intend thus to give is not your own; it belongs to the people of the State of Missouri. They are against Mr. Adams. I, in their name, do solemnly protest against your intention, and deny your moral power thus to bestow your vote.

"You have been pleased to make a reference, in one of your conversations, to my personal wishes in this election. I now reiterate that I disdain and repel the appeal; and again remit you to the exalted tribunal of honor and duty.

"For nine years we have been closely connected in our political course; at length, the connection is dissolved, and dissolved under circumstances which denounce our everlasting separation.

"For some expressions which you felt as unkind, in our conversation on Sunday, I ask your pardon and oblivion. I have a right to give you my opinion on a point of public duty, but none to inflict a wound on your feelings, and, in this unexpected breaking of many ties, there is enough of unavoidable pain, without the gratuitous infliction of unkind words.

"Tomorrow is the day for your self-immolation. If you have an enemy, he may go and feed his eyes upon the scene; your former friend will share the afflicting spectacle.

"With sincere wishes for your personal welfare, I remain, etc.,

"THOMAS H. BENTON."

How true and valuable to General Jackson Mr. Benton was, from that time on, in the election of 1828, of 1832, and when the combined forces, big men and little men came at him with heavy guns and light artillery, through life and

after death, one can only know by reading the history of the times.

The following strange incident in the life of this physically strange man is reported by Mr. Parton as occurring while this exciting election was going on :

“It was during this exciting season that General Jackson was painfully reminded of that terrible day when Charles Dickinson fell before his unrelenting aim, twenty years before. He was closeted late one night with a member of Congress, in deep converse upon the coming event. The member’s object, it is said (I know not with what truth), was to induce General Jackson to unite his political fortunes with those of Mr. Clay, adopting Mr. Clay as his premier and successor. Long he pleaded (it is said) with the old man, and pleaded in vain. At 12 o’clock he took leave. The hall lamp of the hotel having been extinguished, the General went stumbling upstairs to his apartment in the dark. Upon reaching the top, he supposed that he had yet to ascend one stair, and made an awkward step forward, and nearly fell. The viscera which had been displaced by Dickinson’s ball and had falsely healed, were again severed from the breastbone, and the internal wound thus reopened. The General staggered to his room, and lay for more than a week quite disabled. He had several attacks of bleeding at the lungs, and remained subject to such attacks during the rest of his life. Many times he was brought by them to the verge of the grave, and the affliction was probably aggravated by his mode of treating it. When threatened with an attack, he would lay bare his arm, bandage it, taking his penknife from his pocket, call his servant to hold the bowl, and bleed himself freely. Often, indeed, during his presidency, he performed this operation in the night without assistance.”

In preparing this work, I have studied to get at the man, Jackson — what he was, what his head was, what his heart

was; and I have been more benefited by an examination of his letters, public and private, than from all other sources.

I do not believe any man can make himself familiar with General Jackson's correspondence — and he was a most voluminous letter-writer — without realizing that the "Andrew Jackson" that we find in some of his biographies was a wholly different man from the great American. Taking this view, I have been free, and shall, perhaps, be more so, in introducing his letters written to friends and officials, and I now give a letter from General Jackson, written at the time, or about the time, of the presidential election by the House of Representatives, to Mr. Swartwout.

Old men will remember how extensively this letter figured when General Jackson was before the public, but believing Jackson never wrote a lie in his life — never put an untruth on paper—I present this letter as the highest evidence of his character, as well as his feelings, and how entirely different he was from all other public men — standing aloof until the public demanded his services:

"WASHINGTON CITY, February 22, 1825.

"*My Dear Sir:* Yesterday I received your communication adverting to the reasons and defense presented by Mr. Clay to Judge Francis Brooke why duty and reflection imposed upon him the necessity of standing in opposition to me, because of my being, as he styles me, a 'military chieftain.' I had seen the letter before, and when it first appeared, I did entertain the opinion that some notice of it might perhaps be necessary, for the reason that the expression seemed to convey with it the appearance of personality more than anything else; and could the opinion be at all entertained that it would meet the object, which was doubtless intended, to prejudice me in the estimation of my countrymen, I might yet consider some notice of it necessary. Such belief, however, I cannot entertain without insulting the generous testimonial with which I have been honored by ninety-nine electors of the people.

"I am well aware that this term, 'military chieftain,' has, for some time past, been a cant phrase with Mr. Clay and certain of his friends, but the vote with which I have been honored by the people is enough to satisfy me that the prejudice, which was thereby sought to be produced, has availed but little. This is sufficient for me. I entertain a deep and heartfelt gratitude to my country for the confidence which she has manifested toward me, leaving to prejudiced minds whatever they can make of the epithet, 'military chieftain.'

"It is for ingenuity greater than mine to conceive what idea was intended to be conveyed by the term. It is very true that, early in life, even in the days of my boyhood, I contributed my mite to shake off the yoke of tyranny, and to build up the fabric of free government. And when lately our country was involved in war, bearing then the commission of major general of militia forces in Tennessee, I made an appeal to the patriotic citizens of the West, when they went with me into the field to support her eagles. If this constitutes me a 'military chieftain,' I am one. Aided by the patriotism of the Western people, and an indulgent Providence, it was my good fortune to protect our frontier border from savages, and successfully to defend an important and vulnerable point of our Union. Our lives were risked, privations endured, and sacrifices made — and, if Mr. Clay pleases, martial law declared — not with any view of personal aggrandizement, but for the preservation of all and everything that was dear and valuable — the honor, the safety and glory of our country. Does this constitute the character of a 'military chieftain'? And are all our brave men in war, who go forth to defend their rights, and the rights of the country, to be termed 'military chieftains' and denounced therefor? If so, the tendency of such a doctrine may be to arrest the ardor of useful and brave men in future time of need and peril. With me, it will make no difference; for my country at war, I would assist, aid, and defend her, let the consequences to myself be what they might.

"I have, as you very well know, been charged by some of the designing politicians of this country with taking bold

and high-handed measures; but as they were not designed for any benefit to myself, I should not, under similar circumstances, refrain from a course equally bold. That man who, in times of danger and difficulty, shall halt at any course necessary to retain the rights, privileges and independence of his country, is unsuited to authority. And if these opinions and sentiments shall entitle me to the name and character of a 'military chieftain,' I am content to be so considered; satisfied, too, that Mr. Clay, if he pleases, shall give that as a reason to the citizens of the West, why, in his opinion, I merited neither his own nor their confidence.

"Mr. Clay has never yet risked himself for his country. He has never sacrificed his repose, nor made an effort to repel an invading foe. Of course, 'his conscience' assured him it was altogether wrong in any other man to lead his countrymen to battle and victory. He who fights, and fights successfully, must, according to his standard, be held up as a 'military chieftain.'

"Even Washington, could he again appear among us, might be so considered, because he dared to be a virtuous and successful soldier, a correct man, and an honest statesman. It is only when overtaken by disaster and defeat that any man is to be considered a safe politician and a correct statesman.

"Defeat might, to be sure, have brought with it one benefit. It might have enabled me to escape the notice and animadversions of Mr. Clay; but considering that, by an opposite result, my country has been somewhat benefited, I rather prefer it, even with the opprobrium and censure which he seems disposed to extend toward me. To him, thank God, I am in nowise responsible. There is a purer tribunal to which I would in preference refer myself — to the judgment of an enlightened, patriotic and uncorrupted people. To that tribunal I would rather appeal, whence is derived whatever of reputation either he or I may possess. By a reference there, it will be ascertained that I did not solicit the office of President; it was the frank and flattering call of the freemen of this country, not mine, which placed my name before the nation. When they failed in their colleges to make a choice, no one beheld me seeking, through

art or management, to entice any Representative in Congress from a conscientious responsibility to his own, or the wishes of his constituents. No midnight taper burnt by me; no secret conclaves were held; nor cabals entered into to persuade any one to a violation of pledges given or of instructions received. By me no plans were concerted to impair the pure principles of our republican institutions, nor to prostrate that fundamental maxim, which maintains the supremacy of the people's will. On the contrary, having never in any manner, either before the people or Congress, interfered in the slightest degree with the question, my conscience stands void of offense, and will go quietly with me, regardless of the insinuations of those who, through management, may seek an influence not sanctioned by integrity and merit.

"Demagogues, I am persuaded, have done more injury to the cause of freedom and the rights of man than ever did a 'military chieftain,' and in our country, at least in times of peace, should be much more feared. I have seen something of this in my march through life; and have seen some men, too, making the boldest professions, who were more influenced by selfish views and considerations than ever they were by workings of an honest conscience.

"I became a soldier for the good of my country. Difficulties met me at every step, but I thank God it was my good fortune to surmount them. The war over, and peace restored, I retired to my farm to private life, where, but for the call I received to the Senate of the Union, I should have contentedly remained. I have never sought office or power, nor have I ever been willing to hold any post longer than I could be useful to my country, not myself; and I trust I never shall. If these things make me one, I am a 'military chieftain.'

"I am, respectfully, your obedient servant,

"ANDREW JACKSON."

CHAPTER XLVI.

MADISON'S AND BENTON'S SERVICES TO THE HISTORY OF THE UNITED STATES—EVENTS IN THE LIFE OF BENTON AND HIS CONNECTION WITH JACKSON—BENTON'S THIRTY-EIGHTH CHAPTER: "PRESIDENTIAL ELECTION OF 1828, AND FURTHER ERRORS OF M. DE TOQUEVILLE"—DEFENSE OF JACKSON AGAINST ASPERSIONS — JACKSON'S "MEDIocre TALENT" AND "VIOLENT TEMPER"—MR. COBB ON RESULT OF PRESIDENTIAL ELECTION — MR. GOODRICH ON MEETING OF JACKSON AND ADAMS AT THE PRESIDENT'S LEVEE — WEBSTER'S OPINION OF JACKSON'S DEMEANOR.

THE COUNTRY will never cease to owe a debt of gratitude to Mr. Benton, not only for his truthful history of the Jacksonian epoch, but for his great historical work.

Mr. Bancroft pays Mr. Madison a compliment in saying that but for him "there would have been no authentic history of the formation period in our Government." The Madison papers, Elliott's and Gilpin's debates, are all the product of his unexampled industry and faithful work in the Colonial Congress, in the convention that framed the Constitution, in the Virginia Convention ratifying the Constitution, and then in the Federal Congress using a shorthand of his own through the day and writing up his day's work at night. So it was with Mr. Benton; in the Senate from 1820 to 1850, and all the time a man of unceasing work, laborious, intelligent work, he has given to his country a history of that eventful period, and more especially of the "Jacksonian period," in which he took an interest as no other man did, and with means of doing justice to it that no other man had.

General Jackson, when a boy in South Carolina, had been given some attention as an orphan boy by Colonel Benton's mother. When Colonel Benton came to Tennessee he found General Jackson on the bench. That Benton came from North Carolina and that he (Jackson) had been shown a kindness by his mother, was enough to attract the attention of the then rising and best known citizen of the new Southwest.

Colonel Benton read law in Williamson County—part of the time in the country and part of the time at Franklin. The earliest record of his appearance at the bar, so far as I can learn, was at Columbia, in Maury County. Some years ago Mr. Fleming, of Columbia, wrote a paper on the early life of Mr. Benton, giving an account of his reading law in the country and of his appearance at the bar in 1808, where the entry on record was: "Thomas H. Benton was this day fined \$1 for swearing in open court."

When the war of 1812 came, as detailed in a former chapter, Colonel Benton, believing in the military genius of Jackson, was active and influential in having him put at the head of a command, and was a colonel under him; then went to Washington and made terms with the Government for Jackson's disobedience of the orders of the Secretary of War at Natchez. Then came the collision, the terrible, bloody fight between Jackson and the Bentons, Tom and Jesse. Three days after the fight Colonel Benton, at Franklin, wrote and published in a Franklin paper his account of the fight, giving just such an exposition as a hot-headed young man would, writing before his blood cooled. In after life Colonel Benton took a rational view of it. Soon after this Benton went to Missouri and settled in St. Louis, and in 1823 he and General Jackson met in the United States Senate. Then kindly relations were restored. Colonel Benton, on reflection, was satisfied that Jackson had treated his brother, Jesse Benton, kindly in the duel

with Carroll, and had made all reasonable efforts to avoid the collision on the square in Nashville. To know General Jackson, the transition from the soldier to the statesman must be seen to be appreciated.

If possible, Jackson was greater in civil life than in his military career, and in writing his life much greater care, owing to the malignity of some and the ignorance of others, must be taken in delineating his character than is required in giving his soldier career. Hence, I shall in the future part of this work make free use of Colonel Benton's evidence. I shall do this because Mr. Benton, like Mr. Madison, wrote for posterity, his highest ambition being "the truth of history," and because no man had the same opportunity to know and no man was more capable.

I here give entire Mr. Benton's thirty-eighth chapter in his great work on the election of General Jackson in 1828. Besides containing much that is interesting, it is a merited rebuke of one of General Jackson's unfriendly critics, who wrote more than he knew. The heading is:

"Presidential Election of 1828, and Further Errors of M. De Toqueville.

"General Jackson and Mr. Adams were the candidates; with the latter, Mr. Clay (his Secretary of State), so intimately associated in the public mind, on account of the circumstances of the previous Presidential election in the House of Representatives, that their names and interests were inseparable during the canvass. General Jackson was elected, having received 178 electoral votes to eighty-three received by Mr. Adams. Mr. Richard Rush, of Pennsylvania, was the Vice Presidential candidate on the ticket of Mr. Adams, and received an equal vote with that gentleman. Mr. Calhoun was the Vice Presidential candidate on the ticket with General Jackson, and received a slightly less vote—the deficiency being in Georgia, where the friends of Mr. Crawford still resented his believed connection with

the 'A. B. plot.' In the previous election he had been neutral between General Jackson and Mr. Adams; but was now decided on the part of the General, and received the same vote everywhere except in Georgia. In this election there was a circumstance to be known and remembered. Mr. Adams and Mr. Rush were both from the non-slaveholding States; General Jackson and Mr. Calhoun from the slaveholding States, and both slave owners themselves—and both received a large vote (seventy-three each) in the free States—and of which at least forty were indispensable to their election. There was no jealousy or hostile or aggressive spirit in the North against the South.

"The election of General Jackson was a triumph of democratic principle and an assertion of the people's right to govern themselves. That principle had been violated in the Presidential election in the House of Representatives in the session of 1824-25, and the sanction or rebuke of that violation was a leading question in the whole canvass. It was also a triumph over the high protective policy, and the Federal internal improvement policy, and the latitudinous construction of the Constitution; and of the Democracy over the Federalists, then called National Republicans; and was the re-establishment of parties on principle, according to the landmarks of the early ages of the Government. For although Mr. Adams had received confidence and office from Mr. Madison and Mr. Monroe, and had classed with the Democratic party during the fusion of parties in the 'era of good feeling,' yet he had previously been Federal; and in the re-establishment of old party lines, which began to take place after the election of Mr. Adams in the House of Representatives, his affinities and policy became those of his former party, and as a party, with many individual exceptions, they became his supporters and his strength. General Jackson, on the contrary, had always been Democratic, so classing when he was a Senator in Congress under

the administration of the first Mr. Adams, and when party lines were most straightly drawn and upon principle, and as such now receiving the support of men and States which took their political position at that time and had maintained it ever since—Mr. Macon and Mr. Randolph, for example, and the States of Virginia and Pennsylvania. And here it becomes my duty to notice an error, or a congeries of errors of M. De Toqueville in relation to the causes of General Jackson's election, and which he finds exclusively in the glare of a military fame resulting from a very 'ordinary achievement only to be remembered where battles are rare.' It says:

“General Jackson, whom the Americans have twice elected to the head of their Government, is a man of violent temper and mediocre talents. Not one circumstance in the whole course of his career ever proved that he is qualified to govern a free people; and, indeed, the majority of the enlightened classes of the Union has always been opposed to him. But he was raised to the Presidency, and has been maintained in that lofty station solely by the recollection of a victory which he gained twenty years ago under the walls of New Orleans—a victory which, however, was a very ordinary achievement, and which could only be remembered in a country where battles are rare.’ (Chapter 17.)

“(This may pass for American history in Europe and in a foreign language, and even finds abettors here to make it American history in the United States, with a preface and notes to enforce and commend it; but America will find historians of her own to do justice to the national and to individual character. In the meantime I have some knowledge of General Jackson and the American people, and the two Presidential elections with which they honored the General, and will oppose it—that is, my answer to the flippant and shallow statements of Mons. de Toqueville.)

“‘A man of violent temper.’ (I ought to know some-

thing about that—contemporaries will understand the allusion—and I can say that General Jackson had a good temper, kind and hospitable to everybody, and a feeling of protection in it for the whole human race, and especially the weaker and humbler part of it. He had few quarrels on his own account, and probably the very ones on which Mons. de Toqueville had heard were accidental, against his will and for the succor of friends.)

“ ‘Mediocre talent and no capacity to govern a free people.’ In the first place free people are not governed by any man, but by laws. But to understand the phrase, as perhaps intended, that he had no capacity for civil administration, let the conditions of the country at the respective periods when he took up and when he laid down the administration answer. He found the country in domestic distress—pecuniary distress—and the national and State Legislatures invoked by leading politicians to relieve it by empirical remedies—tariffs, to relieve one part of the community by taxing the other; internal improvement, to distribute public money; a national bank, to cure the paper money evils of which it was the author; the public lands; the pillage of broken bank paper; depreciated currency and ruined exchanges; a million and a half of ‘unavailable funds’ in the Treasury; a large public debt; the public money the prey of banks; no gold in the country—only \$20,000,000 in silver, and that in banks which refused, when they pleased, to pay it down in redemption of their own notes, or even to render back to depositors. Stay laws, stop laws, replevin laws, baseless paper, the resource in half the State to save the debtor from his creditor, and national bankrupt laws from Congress, and local insolvent laws in the States, the demand of every session; Indian tribes occupying a half or a quarter of the area of Southern States, and unsettled questions of wrong and insult with half the powers of Europe.

“Such was the state of the country when General Jackson became President. What was it when he left the Presidency? Protective tariffs and Federal internal improvement discarded; the national bank left to expire upon its own limitation; the public lands redeemed from the pillage of broken bank paper; no more ‘unavailable funds;’ an abundant gold and silver currency; the public debt paid off; the Treasury made independent of banks; the Indian tribes removed from the States; indemnities obtained from all foreign powers for all past aggressions, and no new ones committed; several treaties obtained from great powers that never would treat with us before; peace, friendship, and commerce with all the world, and the measures established which, after one great conflict with the expiring Bank of the United States and all her affiliated banks in 1837, put an end to bank dominion in the United States, and all its train of contractions and expansions, panic and suspension, distress and empirical relief. This is the answer which the respective periods of the beginning and the ending of General Jackson’s administration gives to the flippant imputation of no capacity for civil government. I pass on to the next.

“‘The majority of the enlightened classes always opposed him.’ A majority of those classes which Mons. de Toqueville would chiefly see in the cities, and along the highways—bankers, brokers, jobbers, contractors, politicians, and speculators—were certainly against him; but the mass of the intelligence of the country was with him and sustained him in retrieving the country from the deplorable condition in which the enlightened classes had sunk it, and in advancing it to that state of felicity at home and respect abroad, which has made it the envy and admiration of the civilized world and the absorbent of populations of Europe. I pass on.

“‘Raised to the Presidency and maintained there solely

by the recollection of the victory at New Orleans.' Here recollection and military glare reverse the action of their ever-previous attributes and become stronger, instead of weaker, upon the lapse of time. The victory at New Orleans was gained in the first week of the year 1815, and did not bear this Presidential fruit until fourteen and eighteen years afterward, and until three previous good seasons had passed without production. There was a Presidential election in 1816, when the victory was fresh and the country ringing, and imaginations dazzled with it, but it did not make Jackson President or even bring him forward as a candidate. The same four years afterwards, at the election of 1820, not even a candidate then. Four years still later, at the election of 1824, he became a candidate and was not elected, receiving but 99 electoral votes out of 261. In the year 1828 he was elected, receiving 178 out of 261 votes, and in 1832 he was a second time elected, receiving 219 out of 238 votes. Surely there must have been something besides an old military recollection to make these two elections so different from the former, and there was! That something else was principle, and the same that I have stated in the beginning of this chapter as entering into the canvass of 1828 and ruling its issue. I pass on to the last disparagement.

“ ‘A victory which was a very ordinary achievement and only to be remembered where battles were rare.’ Such was not the battle of New Orleans. It was no ordinary achievement. It was a victory of 4,600 citizens, just called from their homes without knowledge of scientific war, under a leader as little schooled as themselves in that particular, without other advantages than a slight field work (a ditch and a bank of earth) hastily thrown up—over double their number of British veterans, survivors of the wars of the French revolution, victors in the Peninsula and at Toulouse, under trained Generals of the Wellington school, and with

a disparity of loss never before witnessed. On one side 700 killed (including the first, second, and third generals), 1,400 wounded, 500 taken prisoners. On the other six privates killed and seven wounded, and the total repulse of an invading army which instantly fled to its 'wooden walls' and never again placed a hostile foot on American soil. Such an achievement is not ordinary, much less 'very ordinary.'

"Does Mons. de Toqueville judge the importance of victories by the numbers engaged and the quantity of blood shed, or by their consequences? If the former, the cannonade on the heights of Valmy (which was not a battle, nor even a combat, but a distant cannon firing in which few were hurt) must seem to him a very insignificant affair. Yet it did what the marvelous victories of Champaubert, Montmirail, Chateau-Thierry, Vauchamps, and Montereau could not do—turned back the invader and saved the soil of France from the iron hoof of the conqueror's horse, and was commemorated twelve years afterwards by the great emperor in a ducal title bestowed upon one of its generals. The victory at New Orleans did what the cannonade at Valmy did—drove back the invader, and also what it did not do—destroyed the one-fourth part of his force. And, therefore, it is not to be disparaged, and will not be, by any one who judges victories by their consequences instead of by the numbers engaged. And so the victory of New Orleans will remain in history as one of the great achievements of the world in spite of the low opinion which the writer on American democracy entertains of it. But Mons. de Toqueville's disparagement of General Jackson and his achievement does not stop at him and his victory. It goes beyond both and reaches the American people, their republican institutions and the elective franchise. It represents the people as incapable of self-government—as led off by a little military glare to elect a man twice President who had

not one qualification for the place, who was violent and mediocre, and whom the enlightened classes opposed; all most unjustly said, but still to pass for American history in Europe and with some Americans at home.

“Regard for Mons. de Toqueville is the cause of this correction of his errors; it is a piece of respect which I do not extend to the riffraff of European writers who come here to pick up the gossip of the highways, to sell it in Europe for American history, and to requite with defamation the hospitality of our houses. He is not of that class; he is above it; he is evidently not intentionally unjust. But he is the victim of the company which he kept while among us, and his book must pay the penalty of the impositions practiced upon him. The character of our country and the cause of republican government require his errors to be corrected, and, unhappily, I shall have further occasion to perform that duty.”

After reading the article from Mr. Benton, I am sure every reader of this book will realize what was stated in the outset—that the country will never cease to owe a debt of gratitude to Mr. Benton, not only for his truthful history of the “Jacksonian epoch,” but for his great historical work, and I am sure that every reader will go further and the more appreciate this book from this long extract from Mr. Benton’s work, in which he so nobly and manfully defends his country and its great soldier from the attack made by Mons. de Toqueville, the cause of which may possibly be, as Mr. Benton states, “being misled by the company he kept,” but it is our place to say that Mons. de Toqueville has a very large support, even among American writers, in the attempt to belittle General Jackson and his great service.

There are certain things in Mr. Benton’s defense of General Jackson that I cannot pass without special notice. In the work, so far, I have repeatedly referred to the total misapprehension of General Jackson’s character. This Mr.

Benton refers to by quoting what Mons. de Toqueville says, that "General Jackson, whom Americans have twice elected to the head of their Government, is a man of violent temper and mediocre talent. No one circumstance in the whole course of his career ever proved that he was qualified to govern a free people, and, indeed, the majority of the enlightened classes of the Union have always been opposed to him."

To that part of this unfriendly imputation Mr. Benton replies: "'A man of violent temper.' I ought to know something of that"—and here Mr. Benton gives the reasons why he ought to know something about it: "I can say that General Jackson had a good temper, kind and hospitable to everybody, and a feeling of protection in it for the whole human race, and especially the weaker and humbler part of it." I want especially to note this truthful statement made by Mr. Benton and say that of all of General Jackson's contemporaries Mr. Benton knew more of him, knew him better, and was more capable of giving the facts and more deeply interested in telling the truth than any man of his time, because he was writing history, and fully appreciated that he was writing for coming generations.

This piece of information from Mr. Benton as to what the real character of General Jackson was, is worth more than all the flippant sayings of Parton and Sumner, and all the balance of that tribe who have written books for two purposes—first, to sell; and second, to becloud the name of General Jackson. None of the whole crowd ever saw General Jackson, except Parton, and he saw him only to take part in the bitter and malignant fight against him on the bank question when Jackson was President; while Mr. Benton saw him on the bench, practiced law before him, was with him in the army, saw him tried when placed in a situation in which to do his duty was to risk all as an officer in the army. Then, Mr. Benton knew well the circumstan-

ces, not only of the personal difficulty that he had with him, but all the facts relative to the other personal difficulties; and then he watched, with the keenest eye, his wonderful campaign in the Creek war, his daring courage at Pensacola, and his victory at New Orleans over the British army. Then he saw him retire to his home at the Hermitage and become a quiet, unobtrusive citizen, setting up no claim to office or promotion for any service he had rendered, forbidding his friends to use his name as a candidate for high office, living for several years in intercourse with men who were his neighbors.

Then he saw him in the United States Senate and served with him. Then he saw him elevated to the Presidency, and was, of all men, the closest observer of his public life in that office, and especially in the conflicts in which that high station involved him — conflicts with men who at the time had more power and capacity for putting public men on trial than any other men in the United States—no less men than Mr. Clay, Mr. Webster, and Mr. Calhoun combined to put down the great soldier.

Mr. Benton was a participant in this struggle, sat in the Senate and was an observer of everything that took place, and then was on such terms with the President as to constantly confer with him; knew his motives, plans, spirit, ambition, and patriotism as perhaps no other man did, and hence I say he was much better prepared to speak as to the true character of General Jackson than the men who have so flippantly written about him. I use this piece of evidence coming from Colonel Benton in chapters I have already written, and after the study of the life of General Jackson for many years I have reached the same conclusion—that General Jackson was not a man of bad temper; he was a man of kind heart, and above everything believed that in public life the poor and the helpless were especially to be looked after, that the rich are powerful and are abundantly

able to take care of themselves, and especially in legislating and influencing public men.

The after chapters of this work will demonstrate, I trust, how clearly Mons. de Toqueville was mistaken, and General Jackson right, when I show in detail what the condition of the country was, or rather what the condition of the Government was when General Jackson became President, and what its condition was when he retired from office at the end of eight years.

In reply to what Mons. de Toqueville says, "that the majority of the American classes always were opposed to him," Mr. Benton most truthfully says: "The majority of all those classes which Mons. de Toqueville would chiefly see in the cities and along the highways—bankers, brokers, jobbers, politicians, and speculators—were certainly against him, and he was certainly against them; but the most of the intelligence of the country was with him, and sustained him in retrieving the country from the deplorable condition in which the enlightened classes had brought it, and advancing it to that state of felicity at home and respect abroad which has made it the envy and admiration of the civilized world and the absorbent of populations of Europe."

This paragraph of Mr. Benton's should be studied by every American citizen. If there is one feature in General Jackson's public life more strikingly illustrative of his public character and power than all others, it is embodied in this sentiment. It embraces thoughts, reflections, enough for a lifetime.

I am writing this chapter on the day of a Presidential election, when there is in the minds of millions of people a deep sense, even a conviction, of what General Jackson regarded as a calamity, and what he risked all to check—the power of money in controlling the ballot box. It may possibly be without good reason, but it is certainly creating in the minds of these millions a fear and a dread that the line

has been drawn, which General Jackson undertook to break down, and that they have reached the point where corporations combining with each other are, to a great extent, controlling our elections, and whatever may be the result of to-day, it will long remain in the minds of the people that the country was put in great peril by the issue raised by General Jackson, which is so graphically and truthfully described by Mr. Benton.

It will be remembered that, under the Constitution, when the election reaches the House of Representatives, each State casts one vote—the members vote as a body. Mr. Adams received the vote of thirteen States, which was a majority. Maryland and Illinois each had given popular majorities for Jackson, and voted for Adams. Kentucky, Ohio, and Missouri each had given popular majorities for Clay, and voted for Adams. Crawford received the vote of four States—Delaware, North Carolina, Georgia, and Virginia. General Jackson, for whom eleven States had given an electoral majority, received the vote of but seven States. The result was a surprise to many people. About this election Mr. Cobb, a day or two afterward, wrote as follows:

“The Presidential election is over, and you will have heard the result; the clouds were black and portentous of storms of no ordinary character; they broke in one hurried burst and straightway dispelled; everything here is silent; the victors have no cause to rejoice; there was not a single window lighted on the occasion; three negroes shouted for Mr. Adams, but were not joined, even by the cringing populace of this place; he, disappointed, submitted in sullen silence. The friends of Jackson grumbled at first like the rumbling of distant thunder, but the old man himself submitted without a change of countenance. Mr. Crawford’s friends changed in their looks; they commanded universal respect. Adams has caused it to be announced that they

shall have no cause to be dissatisfied. Two days ago the Treasury Department was tendered to Crawford and refused. On the same day General Jackson paid him a friendly and civil visit, but nothing passed but an interchange of civilities. Crawford returned home, and we must do the best we can for him; should he and our friends wish that he should again go into the Senate, the hour shall be appointed for him. I am sick and tired of everything here, and wish for nothing so much as private life; my ambition is dead."

The night after the election the President gave a levee, the facts of which are interesting in one or two particulars. Mr. Goodrich, in his "Recollections of the Times," makes an interesting summary of what took place at the ball, and especially is the reference to the meeting—that meeting, that night, between Mr. Adams and General Jackson—interesting. Mr. Goodrich says:

"I shall pass over the other individuals present, only noting an instance which respects the two present in the assembly who, most of all others, engrossed in the thoughts of the visitors—Mr. Adams, the elect; General Jackson, the defeated. It chanced in the course of the evening that these two persons passing in the throng approached each other from opposite directions, yet without knowing it. Suddenly they were almost together. The persons around, seeing what was about to happen, by a sort of instinct stepped aside and left them face to face. Mr. Adams was by himself, General Jackson had a large, handsome lady on his arm. They looked at each other for a moment, and then General Jackson leaned forward, and, reaching out his long arm, said: 'How do you do, Mr. Adams; I give you my left hand, as the right, as you see, is devoted to the fair; I hope you are well, sir?' All this was gallantly and heartily said, and, advancing, Mr. Adams took General Jackson's

hand and said, with chilling coldness: 'Very well, sir; I hope General Jackson is well.'

"It was curious to see the Western planter, the Indian fighter, the stern soldier who had written his country's glory in the blood shed at New Orleans, genial and gracious in the midst of a court, while the old courtier and diplomat was stiff, rigid, cold, and staid. It was all the more remarkable from the fact that four years before the former had been defeated, and the latter was a victor in the struggle for one of the highest objects of human ambition. The personal character of these two individuals was, in fact, well expressed in that chance meeting, the gallantry, the frankness and the heartiness of the one, which captivated all; the coldness, the distance, the selfish concentration of the other, which repelled all."

When Mr. Webster said, speaking of General Jackson as he saw him in the Senate, as a candidate for President, competing with Mr. Clay, Mr. Adams, Mr. Crawford, and Mr. Calhoun, "in his manners he is more presidential than any of his competitors; he is quiet and dignified—my wife is decidedly for him," it was no doubt a revelation to his brother to whom he was writing.

It was not until the people of the North saw the Senator, the graceful, quiet, dignified Senator, the great soldier in a new role, the backwoods general in the Senate, more dignified and graceful than the most distinguished statesman of the times, buttonholing nobody, asking nobody's support, standing on his merit as a candidate for President, that their prejudice abated, and as a new planet electrifies all astronomers, every eye was turned upon the man who knew as well how to dignify the Senate as he knew how to whip a British army; and, Pennsylvania leading the way, he at once became the people's candidate for President, as Mr. Webster declared he was.

CHAPTER XLVII.

SALIENT POINTS IN LIFE OF JACKSON DISPROVING THE MISREPRESENTATIONS OF M. DE TOQUEVILLE AND OTHER UNFRIENDLY WRITERS—CONDITIONS OF FOREIGN RELATIONS—BENTON ON JACKSON'S CAPACITY AND DIPLOMACY—PARTON ON "UNIVERSAL SUFFRAGE" AND THE EDUCATED CLASSES IN POLITICS — BENTON ON THE "ENLIGHTENED CLASSES"—JACKSON'S DEVOTION TO THE CAUSE OF THE PEOPLE—DEATH OF MRS. JACKSON—EPITAPH ON MRS. JACKSON'S TOMB WRITTEN BY GENERAL JACKSON — MRS. ELIZABETH CRAIGHEAD'S STATEMENT ABOUT THE MARRIAGE OF GENERAL AND MRS. JACKSON.

THE ELECTION of General Jackson in 1828 was an event calculated to inspire confidence in the wisdom, virtue, and gratitude of the plain people. If a man was ever elected to office without intrigue with leaders, and with a single-hearted reliance on the plain people, it was General Jackson in this election. After the exhibition of his popularity in the election of 1824, the eyes of aspirants for the presidency were fixed on him.

The deep gratitude of the people, as it was seen in the election of 1828, ought not to be set down as sufficient evidence of qualification for office, but it is an evidence of some exceptional virtue which may or may not indicate fitness. In the case of General Jackson the gratitude came from a conviction of manly courage, nobly displayed at the time and under circumstances of great need.

It was the feeling that the man who loved his country had run up the American flag where it would stay and be respected in all lands, at least until sacrilegious hands at home became despoilers, and it brought to him a sense of relief

and an assurance that a citizen soldiery was ample for its protection and the country's defense. With the defenseless there was a feeling of love and veneration that drew men, women, and children to him, and with the politicians there was an inclination to get in the wagon and ride, but with the great big men, who might not survive if a great meteoric stone came crashing through the timber, Jackson was an enigma that needed watching.

The aspirants for the presidency made common cause and summoned to their rescue the cohorts of patriotic service—all ready to fight for an office.

In the long extract from Benton's "Thirty Years in the Senate," there are certain facts given that deserve to be emphasized. They are on the points in General Jackson's life that have been so flippantly and ignorantly misrepresented (as M. de Toqueville did) by unfriendly critics generally. The ignorance of M. de Toqueville about the President of a republic ruling a people is passed over. Mr. Benton barely notices it. But what M. de Toqueville meant, no doubt, was that General Jackson did not have a single qualification for civil office. This error, with the misapprehension of General Jackson's warm and lovable nature—fixed in the mind by unfriendly writers—is of all others what mostly stands in need of correction, and that the truth may be seen in these respects is one object of this book. In paragraphs Mr. Benton disposes of these errors—himself knowing from all phases of private, social, army, and civil life how unfounded the charges were, but he did not fully realize how important were the statements of his contradictions from personal knowledge.

All of Mr. Benton's paragraph statements might, with profit, be elaborated, one feature especially—the condition of our Government in its relations with other nations. I refer to this especially to arrest attention on a point of deepest interest—to wit, business sense in politics. Without

business sense—tact in business matters, coupled with painstaking in the councils of the nation—with the reasons applying to the State executives, the whole fabric will be a shackling old house, finally going to decay, becoming spoils for the despoilers. In this regard General Jackson was the best President we ever had, and about this I want to be explicit. His prompt, careful, and painstaking methods as a lawyer after he came to Nashville, in an incredibly short time, gave him the entire collecting business of the business men of the city.

In seven years after he came to Nashville, as shown in a former chapter, he had more cases on the docket than all the other lawyers combined. This was principally collections, business he attended to with such promptness—at the time performing the duties of United States Attorney—that, as a collector, he attracted attention all over the country. By judicious investment in real estate, and at the same time conducting a most successful mercantile house, he soon came to be one of the largest land owners in the country west of the mountains—and out of which he made quite a large fortune. As a merchant, buying his goods in person in Philadelphia, he established such a credit, as heretofore shown, that when the richest men in the city were refused credit, in Philadelphia, for a large amount of money which they wanted to borrow, they were told if they would get the name of Andrew Jackson on their paper they could get the money. They got the name and got the money.

When he quit merchandizing he sold out to his partner, John Coffee, afterwards his great cavalry officer in the Creek war, his dashing leader at Pensacola in capturing the Spanish forts and driving the British fleets out of the bay, and for eight days with his men sleeping on brush piles in the swamp at New Orleans to prevent a flank movement.

Selling out his interest in the store to Coffee for a large

amount, he took notes. These notes—the night Coffee was married to his wife's niece, like the warm-hearted, generous man he was—he immediately after the ceremony delivered as a bridal present to the bride.

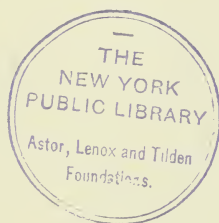
When the Government, for his disobedience of orders at Natchez, refused him supplies and transportation for his army back to Nashville, he had the credit to raise the money to do it, and then demanded his rights, which the Government, at the end of the year, conceded.

When he died, besides his charming estate in Tennessee, he owned several plantations in the South with 150 slaves. This is he who Parton says was not a business man.

In the army, besides knowing better than any other general of his time what to do with the enemy on the field, he was a model in all his business relations with the Government, which, of course, were complicated and extensive. In person he overlooked the business of his Quartermaster, promptly revised all accounts with the State or the Government, and never had a trouble in a single settlement.

No conflict or engagement was ever so hot or so perilous as to prevent him from reporting immediately to the Secretary of War. And on file in the War Office at Washington may be seen the fullest and most complete account of his military service to be found in the records of war in this country, or perhaps any other country. His reports are models in simplicity — facts condensed — with no personal claim for anything done; indeed, meager as to himself, but all praise for his “brave soldiers.”

This is the man and this is the record — of business in private life and in war. The men who have undertaken to write the infirmities of Jackson, while admitting his military genius, seem not to know that a big man can be big enough for both war and peace, and the whole thought was — and Mr. Clay and Mr. Calhoun pushed it for all they could make out of it — that a great soldier, and because he was a great





JOHN COFFEE.

soldier, should never be allowed to enter civil office — that he would go there wearing his sword and epaulets.

The answer to Mons. De Toqueville is Jackson's record made as President.

Mr. Benton, with a vividness and a perspicuity, in a few paragraphs, has made memorable the truth of history, showing the Thomases where they can put their finger down. If when the book is opened and the deeds as recorded shown, they persist, they are not Thomases, but they belong to another class not to be mentioned in a book.

The business habits which General Jackson made so prominent a feature in his private life and in the army he carried with him into the executive office.

Mr. Benton shows the condition of our foreign relations and our domestic affairs when General Jackson went into office, and what it was when he left, and which, as stated, if applied to a great banking house, would have made most famous the head. The details of this feature of his character will mark almost every page yet to come of this book.

Unquestionably the Government, at the time when General Jackson went into office, stood more in need of diplomacy and business combined than at any other time in our history.

Besides local troubles, enumerated by Mr. Benton in alarming profusion, he says: "We had unsettled questions of wrong and insult with half the powers of Europe," and among conditions enumerated when he went out of office, he says:

"The public debt was paid off, the treasury made independent of banks, the Indian tribes removed from the States, indemnities obtained from all foreign powers for all past aggressions and no new ones committed."

In addition to what Mr. Benton says in reply to M. De Toqueville about the educated people being against Jackson, Mr. Parton meets the case well. He says:

“The most real issue in the presidential contest of 1828 was one which was not stated at the time, nor generally perceived. The question was whether ‘universal suffrage,’ so called, was to have any practical effect in the United States. Down to this period in the history of the republic, the educated few had kept themselves uppermost. Cabinets, Congresses, Legislatures, Governors, Mayors, had usually been chosen from the same class of society as that from which governing men of Europe are chosen. Public life was supposed to require an apprenticeship, as much as any private profession. In short, the ruling class in the United States, as in all other countries, was chiefly composed of men who had graduated at colleges and had passed the greater part of their lives on carpets.

“The educated class were not equal to the duty assigned them — that of instructing and guiding their less fortunate countrymen. They were not equal to it, and they are not now. Jefferson accepted his share of this great trust, and worthily strove to perform his share of this great duty. His life is but a catalogue of benefactions to the people. But among American citizens of his social eminence, how many were there with understandings enough to comprehend, with magnanimity enough to live up to the height of the great sentiment which breathed all the life into this republic that it has ever possessed? How have this class hugged their gentilities, genealogies, conservatisms, and all the other antiquated and effeminating nonsense of which Europe itself is beginning to be ashamed, and is preparing to toss off as a tawdry and ragged old cloak!

“The truly helpful men and women of this republic have oftenest sprung from the cabin and learned to read by the light of pineknots, and worked their way up to their rightful places as leaders of the people by the strength of their own arm, brain, and resolution.

“The scepter was about to be wrested from the hands of

those who had not shown themselves worthy to hold it. When they felt it going, however, they made a vigorous clutch, and lost it only after a desperate struggle. In these Jacksonian contests, therefore, we find nearly all the talent, nearly all the learning, nearly all the ancient wealth, nearly all the business activity, nearly all the book-nourished intelligence, nearly all the silver-forked civilization of the country, united in opposition to General Jackson, who represented the country's untutored instincts."

I turn for a moment to the words of these two authors, Mr. Parton and Mr. Benton. They indicate and emphasize a period in the history of our country — not only a period but a change in our ideas of public life, that lasted from 1828 to a comparatively recent period. These two authors meant to convey the idea that up to 1828 it had been a sort of common law that the highly educated classes were the country.

From the date of that election, and the manner in which the masses of the people, as contradistinguished from the exclusive, educated classes — the people, the plain people — were the ruling factors in this country. That there is now a growing belief among the plain people that the educated men and rich classes will probably resume the power they had exercised before 1828, a whole chapter might be written.

To carefully read, as I have done, the life of General Jackson, gathered from all sources — public acts and private life — one can come to no other conclusion than that a certain class well described by Mr. Benton in the paragraph quoted, feared, dreaded and hated Andrew Jackson, and, perhaps, no man ever lived, occupying high official station, that had more bitter enemies than he. His stern, positive, relentless purpose to do his duty in public life and let consequences take care of themselves, necessarily antagonized a very large class who sought without obtaining his favor.

Public men, and especially biographers who have only carelessly examined his life and character, have kept before the public the prejudices that were engendered by his faithful and unflinching discharge of public duty. With his convictions as to what public life is, and how entirely he must separate himself from public interests, necessarily put it beyond his power to accommodate and please people who sought the benefits of his favor. These things, together with the fact that the President of the United States made him Major General in the United States Army, without a qualification deemed necessary by military gentlemen — that is, a printed sheepskin — at the time created very great feeling against him, and high officers of the army became embittered, and they have never yielded the point, and thus have never forgiven the President for taking up a man who had not been trained in a military school and put him at the head of the army, and certainly they never forgave Jackson. The main feature of General Jackson's life, and the one that will go with his name as long as men read books, is that he believed and acted upon it, "that official life meant service for the benefit of the masses who were without influence among and with those who held power."

When the news reached Nashville that General Jackson had been elected, Major Lewis says: "It created no great sensation at the Hermitage, so certain beforehand were the inmates of the returns in accordance with their desires." Mrs. Jackson quietly said, "Well, for Mr. Jackson's sake I am glad; for my own part, I never wished it."

His neighbors who were in the habit of having a banquet, or other demonstration upon any great event with which General Jackson was connected or on his return from one of his campaigns, of course, upon getting the news that the General had been elected President of the United States, prepared for a banquet. This news came on December 17, and that very day Mrs. Jackson was stricken down and died

in a few days. The report of this death is truly affecting as told by the old servant, who was the only one in the house when she was stricken. General Jackson was out in the field looking after his farming interests. Mrs. Jackson went down into the kitchen to look to the preparation for dinner. On returning to her room, accompanied by the old servant, Hannah, she uttered a shriek, and placing her hand upon her heart, sank into a chair, struggling for breath, and fell forward into Hannah's arms. The servant ran to the farm, and General Jackson was soon by her side. Mrs. A. J. Donelson came in from her house. The house was soon filled with people. Her immediate death seemed almost certain. The banquet to be given the General was to be on the 23d. He sat by her side, scarcely leaving the room, until she seemed to recover on the 22d. She was at that time somewhat relieved, and insisted that the General should go off and go to bed. He reluctantly complied with her request. He had been out but a few minutes until she fell out of her chair forward on the old servant's shoulder and died soon afterwards. It was long before General Jackson would believe she was dead. He looked into her face as if still expecting to see signs of returning life. Her hands and feet became cold, and they were preparing to lay the body on the table. The General did not give up his hopes for her recovery, and said: "Spread several blankets on the table so that if she does come to she will not lie so hard on the table." He sat all night long in the room by her side with his face in his hands. Major Lewis, who had been sent for, arrived just before daylight, and found him there nearly speechless and inconsolable. He sat in the room all the next day the very picture of despair.

The news reached Nashville early on the morning of the 23d, and, of course, there was an entire abandonment of the banquet. Every vehicle in Nashville was employed, and

the grounds about the Hermitage were covered with people. There were long notices of her death in the Nashville papers. One of the papers had this notice:

“Her pure and gentle heart, in which a selfish, guileful or malicious thought never found entrance, was the throne of benevolence, and under its noble influence her faculties and time were constantly devoted to the exercise of hospitality, and to acts of kindness. To feed the hungry, to clothe the naked, to supply the indigent, to raise the humble, to notice the friendless and to comfort the unfortunate, were her favorite occupations; nor could the kindness of her soul be repressed by distress or prosperity; but like those fountains which, rising in deep and secluded valleys, flow on in the frost of winter and through summer’s heat, it retained a uniform and refreshing current. Thus she lived, and when death approached her patience and resignation were equal to her goodness, not an impatient gesture, not a vexatious look, not a fretful accent escaped her; but her last breath was charged with an expression of tenderness for the man whom she had loved more than her life, and honored next to her God.”

Mrs. Jackson was buried in the garden at the Hermitage, and on her tomb are these lines prepared by General Jackson himself:

“Here lie the remains of Mrs. Rachel Jackson, wife of President Jackson, who died the 22d of December, 1828, aged 61. Her face was fair, her person pleasing, her temper amiable, her heart kind; she delighted in relieving the wants of her fellow-creatures and cultivated that divine pleasure by the most liberal and unpretending methods; to the poor she was a benefactor, to the wretched a comforter, to the prosperous an ornament; her piety went hand in hand with her benevolence, and she thanked her Creator for being permitted to do good. A being so gentle and so

virtuous, slander might wound but could not dishonor. Even death, when he tore her from the arms of her husband, could but transport her to the bosom of her God."

The death of Mrs. Jackson created a profound impression at Nashville. As stated, the very day the news reached Nashville of the election of her distinguished husband, she was stricken down, and died a few days afterwards. Late in the evening, while preparations for the banquet were in progress, the news came into the city of Mrs. Jackson's affliction. The two items of news reached the city within a few hours of the same time — one, that General Jackson was elected President; the other, that Mrs. Jackson was probably dying. Mrs. Jackson did not recover her speech until the 22d, and died very shortly afterwards, General Jackson remaining at her side until the last.

In the canvass that had just closed — one of the bitterest ever known — Mrs. Jackson's name had been freely used. All the facts in reference to the marriage that had taken place forty years before were brought out, such was the character of the party assault in 1827. Pamphlets were prepared, in which the facts about the marriage were given by Judge McNairy, Judge Overton, Mrs. Craighead and others. It may be of interest to some of our readers to see some of these letters. We give Mrs. Craighead's:

"Mr. Craighead and myself came to this country about forty-two years ago, and Mrs. Donelson, the mother of Mrs. Jackson, and family, came and settled at the Clover Bottom in Davidson County, Tennessee, the same year. With the family of Mrs. Donelson I was well and intimately acquainted — indeed, my family had a knowledge of the Donelson connexion for about seventy years. The whole family were respectable, and I lived in habits of intimacy with Mrs. Donelson during her life, and with Mrs. Jackson nearly forty years. The character of Mrs. Donelson, the mother of Mrs. Jackson, was without blemish, and her

standing in society was inferior to that of no lady in the country. She respected religion while she lived, and died in the hope of a happy hereafter.

"Mrs. Jackson, then Mrs. Robards, was brought to this country from Kentucky by one of her brothers a few years after the family had settled themselves here, in consequence, as I understood, of the cruel treatment of her husband, who was said to be a man of jealous disposition and vicious habits. This was manifested by the suspicions he entertained of the improper conduct of his wife. At the time she lived with him, at the house of his mother in Kentucky, an attorney of the name of Short, also boarded with the old lady. With regard to the unhappy difference which took place between Robards and his wife, it was believed that it arose from the circumstance of Short's living in the same family with Mrs. Robards and showing her perhaps a little more than ordinary politeness. James Brown, my brother, who is now at Paris in France, came to this country shortly after Mrs. Robards arrived from Kentucky, and, speaking of her, deeply regretted her misfortunes. He said that he believed her to be a chaste and virtuous woman, and gave as a reason for thinking so, that he was intimate with Mr. Short, and had conversed with him particularly in respect to Mrs. Robards — that he assured him in the strongest and most solemn terms that Mrs. Robards was a worthy, virtuous woman, and that the suspicions of her husband were entirely unfounded, cruel and ungenerous.

"Mrs. Robards, after having been driven from her mother-in-law's by the cruel treatment of her husband, Captain Robards, lived with her mother, Mrs. Donelson, several years, and conducted herself with the greatest propriety, entirely withdrawing herself from all places of public amusement, such as balls, parties, etc. About two years after his wife left Kentucky Robards came to this country for the purpose of being reconciled to her. He made every acknowledgment, and appeared to be quite penitent for his past conduct, stating, as I understood at the time, that he did not blame his wife for leaving him and coming to live with her mother. Shortly after his arrival, by the interference of friends and acquaintances, she agreed

to live with him on condition that he would settle himself in her mother's neighborhood, to which he gave his consent and actually purchased a tract of land. After they became reconciled, Mrs. Donelson for the first time took into her house as boarders several young gentlemen, there being then few if any regular boarding houses or taverns, among whom were Judge Overton and General Jackson. Having agreed to live together, Robards went back to Kentucky for the purpose of moving his property to this country. Upon his return, having found General Jackson in the family, his jealousies appeared to revive. This was more particularly manifested towards General Jackson in consequence, I suppose, of his gay, sprightly disposition and courteous manners. From my acquaintance with Mrs. Jackson I have no hesitation in stating it as my firm belief that his suspicions were entirely groundless. No lady ever conducted herself in a more becoming manner during the whole of that period. I have lived in a few miles of Mrs. Jackson ever since that time (with the exception of about two years), and have been intimate with her, and can say that no lady maintains a better character or is more exemplary in her deportment or more beloved by her friends and neighbors.

"ELIZABETH CRAIGHEAD."

CHAPTER XLVIII.

JACKSON AT WASHINGTON AFTER HIS FIRST ELECTION TO THE PRESIDENCY—SPECULATIONS AS TO WHAT HE WOULD DO—WEBSTER'S STATEMENTS BEFORE AND AFTER JACKSON CAME—DESCRIPTION OF JACKSON'S INAUGURATION—MEMBERS OF THE CABINET—THE MRS. EATON (PEGGY O'NEAL) AFFAIR—JACKSON'S LETTER TO REV. DR. ELY ON THIS AFFAIR.

GRIEF-STRICKEN and rapidly aging, General Jackson, as quick as possible after the death of his wife, prepared for his long journey to Washington. I firmly believe that General Jackson deeply and keenly felt that in the death of his wife he had lost infinitely more than he had gained by the presidency. The devotion of this grand man to his wife, with an ever-increasing affection, the warm-hearted recollections of her through the balance of his life, ever wearing her picture about him, and often discovered sitting in silence with it before him, with marked signs of deep emotion, show as truly the loving nature of the man as his great deeds show his mental force.

The three Tennessee Presidents — Andrew Jackson, James K. Polk, and Andrew Johnson — each had a treasure in his wife. A charming book could be written on the adaptation of these three women to the stations they filled—not so much the exalted stations by being the wives of eminent men and their adaptation to high life, as the fitness and qualification for being the wives of men carrying great burdens, needing a stay and a support.

Besides Mrs. Andrew Jackson Donelson, who was to preside at the White House, and her accomplished daughter, General Jackson had with him on the trip to Washington

Andrew J. Donelson, who was to be his private secretary, Major William B. Lewis and Mr. Henry Lee. The artist Earl joined the President about the time of the inauguration and remained at the White House during his entire term.

Great crowds met the newly elected President in every city and at every hotel where he stopped. Mr. Webster wrote home just before the General arrived :

“General Jackson will be here about the 15th of February. Nobody knows what he will do when he comes. Many letters are sent to him; he answers none of them. His friends here pretend to be very knowing, but be assured not one of them has any confidential communication from him. Great efforts are making to put him up to a general sweep as to all offices, springing from great doubt whether he is disposed to do it.”

After General Jackson came Mr. Webster wrote :

“Of course the city is full of speculation and speculators. ‘A great multitude,’ too many to be fed without a miracle, are already in the city, hungry for office. Especially I learn that the typographical corps is assembled in great force. From New Hampshire our friend Hill; from Boston, Mr. Greene; from Connecticut, Mr. Norton; from New York, Mr. Noah; from Kentucky, Mr. Kendall; and from everywhere else, somebody else. So many friends ready to advise, and whose advice is so disinterested, make somewhat of a numerous council about the President-elect; and, if report be true, it is a council which only ‘makes that darker which was dark before.’ For these reasons, or these with others, nothing is yet settled about the new Cabinet. I suppose Mr. Van Buren will be Secretary of State; but beyond that I do not think anything is yet determined.”

As late as the 2d of March Mr. Webster wrote home :

“Nobody at Washington knows whether many or any changes will be made in the subordinate offices of the Gov-

ernment. General Jackson will make some removals, but I think not a great many immediately, but we shall soon see."

A sprightly newspaper writer of the times gives the following graphic description of the inauguration:

"No one who was at Washington at the time of General Jackson's inauguration is likely to forget that period to the day of his death. To us, who had witnessed the quiet and orderly period of the Adams administration, it seemed as if half the nation had rushed at once into the Capitol. It was like the inundation of the northern barbarians into Rome, save that the tumultuous tide came in from a different point of the compass. The West and the South seem to have precipitated themselves upon the North and overwhelmed it. On that memorable occasion you might tell a 'Jackson man' almost as far as you could see him. Their every emotion seemed to cry out 'victory.' Strange faces filled every public place, and every face seemed to bear defiance on its brow. It appeared to me that every Jackson editor in the country was on the spot. They swarmed, especially in the lobbies of the House, an expectant host, a sort of Prætorian band, which, having borne in upon their shields their idolized leader, claimed the reward of the hard-fought contest. His quarters were assailed, surrounded, hemmed in, so that it was an achievement to get into his presence. On the morning of the inauguration the vicinity of the Capitol was like a great agitated sea; every avenue to the fateful spot was blocked up with people, insomuch that the legitimate procession which accompanied the President-elect could scarce make its way to the eastern portico, where the ceremony was to be performed. To repress the crowd a ship's cable was stretched across about two-thirds of the way up the long flight of steps, by which the Capitol is approached on that side, but it seemed at times as if it even would scarce prove sufficient to restrain the eagerness of the multitude, every man of whom seemed bent on

the glory of shaking the President's hand. Never can I forget the spectacle which presented itself on every side, nor the electrifying moment when the eager, expectant eyes of that vast and motley crowd caught sight of the tall and imposing form of their adored leader as he came forth between the columns of the portico, the color of the whole mass changed, as if by miracle; all hats were off at once, and the dark tint which usually pervades a mixed map of men was turned, as if by a magic wand, into the bright hue of ten thousand upturned and exultant faces, radiant with sudden joy. The peal of shouting that rose rent the air and seemed to shake the very ground. But when the Chief Justice took his place and commenced the brief ceremony of administering the oath of office it quickly sank into comparative silence; and as the new President proceeded to read his inaugural address, the stillness gradually increased, but all efforts to hear him beyond a brief space immediately around, were utterly vain."

Mr. Webster again wrote home:

"I never saw such a crowd here before. Persons have come five hundred miles to see General Jackson, and they really think the country has been rescued from danger."

The oath of office was administered by the venerable Chief Justice Marshall, to whom the duty had belonged for about thirty years. The Senate, according to custom, having been convened in extra session for the occasion, the Cabinet appointments were immediately sent in and confirmed. They were: Martin Van Buren, of New York, Secretary of State (James A. Hamilton, of New York, son of the late General Hamilton, being charged with the duties of the office until Mr. Van Buren could enter upon them); Samuel D. Ingham, of Pennsylvania, Secretary of the Treasury; John H. Eaton, of Tennessee, Secretary of War; John Branch, of North Carolina, Secretary of the Navy; John M. Berrien, of Georgia, Attorney General; William T.

Barry, of Kentucky, Postmaster General. Of those who constituted the late Cabinet under Mr. Adams, only one of them, John McClean, the Postmaster General, classed politically with General Jackson, and a vacancy having occurred on the bench of the Supreme Court by the death of Justice Trimble, of Kentucky, Mr. McClean was appointed to fill it; and a further vacancy occurring soon after by the death of Justice Bushrod Washington, a nephew of General Washington, Henry Baldwin, of Pennsylvania, was appointed in his place.

When it was known that Mr. Eaton was a member of the Cabinet—for no one knew what General Jackson was going to do until it was done—it created a ripple that grew into a sensation, and finally (as scandal-mongers seemed determined to have it) broke up General Jackson's Cabinet. The Mrs. Eaton affair would not get into this book if it were not that the truth of history demands, late as it is—seventy-one years—that this unfounded but widely believed calumny should be corrected.

The facts, when understood, show that the Mrs. Eaton affair had nothing to do with the dissolution of the Cabinet. General Jackson's enemies have always said, and said it until even at this day it is generally believed, that General Jackson demanded that the wives of his other Cabinet officers should recognize Mrs. Eaton in social life as they did each other. The breaking up of General Jackson's Cabinet is one of the most notable and interesting chapters in the official life of public men, and the entire facts in detail will be given. For the present I simply say that the Mrs. Eaton affair had nothing in the world to do with it. But to get at the truth and entirely dissipate the calumny which involved both Mrs. Eaton and the administration of General Jackson, the whole facts about her and General Jackson's defense of her, and then the true facts about the dissolution, should be given.

The facts about Mrs. Eaton are approximately these: She was the daughter, a beautiful woman, of one William O'Neal, who kept a tavern in Washington where public men, and especially members of Congress, boarded. She married a man named Timberlake, who became a purser in the navy, and committed suicide on one of his voyages in the Mediterranean. In 1818, when Mr. Eaton was first elected to the Senate, he went to board at the O'Neal tavern, where Timberlake and his wife were living. General Jackson had, when he was a Major General in the United States Army, on his visits to Washington, boarded there, and, in 1823, when he was elected to the Senate, Mr. Eaton being still there, and being his intimate and dear friend, he went to the O'Neal tavern to board. His long acquaintance with the family in the relation of a boarder brought about just what frequently comes between such a man as Jackson and people who are not socially on equal terms, as the world understands it; so that when he became President he often, for rest and recreation, visited the family, and indeed they were pretty much the only family he did visit.

In 1824 and 1825, when Mrs. Jackson was there with him, she became much attached to Mrs. O'Neal and Peggy, as she was called. In 1827, Mrs. Timberlake being now a widow with two children, Mr. Eaton asked General Jackson's advice about marrying Mrs. Timberlake, at the same time telling him that there had been talk about Mrs. Timberlake, but assured him it was without truth. General Jackson had confidence in Mr. Eaton as a man of high character in every respect. He himself was a high Mason; Mr. Eaton was a Mason; the old man O'Neal was a Mason, and Mr. Timberlake was a Mason, so that General Jackson at once made up his mind that it was without foundation, and said to Mr. Eaton if he loved the woman to marry her, and that the marriage would disprove the calumny. So a few weeks before the President was inaugurated they were

married. General Jackson never lacked for enemies, and when Eaton was made a member of the Cabinet—in fact, when it was believed he would be in the Cabinet—the sensation took a new start.

A. M. Campbell, pastor of the church where the General and Mrs. Jackson had worshipped, thought he was scandalized and prevailed on a brother preacher of Philadelphia named Ely to write the General on the subject. Among other things, this preacher said in the letter, dated the 18th of March: "For your own sake, for your dead wife's sake, for the sake of your administration, for the credit of the Government and the country, you should not countenance a woman like this."

General Jackson's reply to this letter was Jacksonian on a large scale. It is in part as follows:

"WASHINGTON, March 23, 1829.

"To Rev. Dr. Ely.

"DEAR SIR: Your confidential letter of the 18th inst. has been received in the same spirit of kindness and friendship with which it was written.

"I must here be permitted to remark that I sincerely regret you did not personally name this subject to me before you left Washington, as I could in that event have appraised you of the great exertions made by Mr. Clay and his partisans, here and elsewhere, to destroy the character of Mrs. Eaton by the foulest and basest means, so that a deep and lasting wrong might be inflicted on her husband. I could have given you information that would at least have put you on your guard with respect to anonymous letters containing slanderous insinuations against female character. If such evidence as this is to be received, I ask where is the guarantee for female character, however moral, however virtuous?

"To show you how much you have been imposed upon and how much Mrs. Eaton has been slandered, I am warranted in the positive contradiction of the very first charge

made against her—‘that she was in ill-fame before Mr. Eaton ever saw her’—from the united testimony of Hon. John Rhea, Dr. Hogg, and others who boarded with Mr. O’Neal long before Mr. Eaton was a member of Congress. If you feel at liberty to give the names of those secret traducers of female reputation, I entertain no doubt but they will be exposed and consigned to public odium, which should ever be the lot of those whose morbid appetite delights in defamation and slander.

“As to the information of Mr. ———, of Baltimore, I will barely remark that he may be a respectable man, but surely you will agree with me that a charge so malignant in its character, unless accompanied with indubitable evidence of the criminality of the act, should not have been made, and shows him at once to be destitute of those just, manly, and charitable feelings which should be characteristic of every good and virtuous man. In contradiction of Mr. ———’s information to you I have many letters from Baltimore, Pennsylvania, Ohio, and other States, congratulating me and the nation on the selection of Mr. Eaton as one of my Cabinet. Besides these, many members of Congress, and among them the leading members of the New York delegation, expressed personally their high gratification at his appointment. You were assuredly justified in stating to my friends that I have no information, nor ever had, on which any reliance ought to be placed of any infamous conduct of Mrs. Eaton.

“One observation on the bank conversation. The place where the remark was made is sufficient evidence to my mind that it emanated from Clay or his satellites, with a view of completing what he had here begun. I am fully warranted with charging Mr. Clay with circulating these slanderous reports from information derived from a very intelligent lady who met Mr. Clay and his wife on her way to this city. This lady says Mr. and Mrs. Clay spoke in the strongest and most unmeasured terms of Mrs. Eaton. She inquired of them to know upon what grounds these charges rested. ‘Rumor, mere rumor,’ was the answer. So far from this attempt to injure Mrs. Eaton on the part of those personages having the effect intended, the lady, as

soon as she arrived, sought to become acquainted with her and Mr. Eaton. Now, my dear sir, justice to female character, justice to me, and justice to Mr. Eaton, require that these secret agents in propagating slander should be made known to Mr. Eaton, that he may be able to defend the character of his wife against such vile and unprincipled attacks. Would you, my worthy friend, desire me to add the weight and influence of my name, whatever it may be, to assist in crushing Mrs. Eaton, who, I do believe, and have a right to believe, is a much injured woman, and more virtuous than some of her enemies?

"It is due to me to be made acquainted with the names of those bank directors who have dared to throw an imputation on the memory of my departed wife. Men who can be base enough to speak thus of the dead are not too good secretly to slander the living; and they deserve and no doubt will receive the scorn of all good men. Mr. Eaton has been known to me for twenty years. His character heretofore for honesty and morality has been unblemished, and am I now for the first time to change my opinion of him because of the slanders of this city? We know here that none are spared. Even Mrs. Madison was assailed by these fiends in human shape. Mrs. Commodore _____ has also been singled out as a victim to be sacrificed on the altar of defamation because she left this city and traveled precisely in the way agreed on by Commodore _____, but did not promulgate to the gossips here. I speak advisedly in relation to this matter, for I have seen a letter from Commodore _____ giving an expose of the whole transaction, justifying his wife's conduct and vindicating her innocence. He expresses a determination, when he returns to this country, to investigate the affair and punish the defamers of his wife's character; and I sincerely hope he may live to do it, for I am disgusted even to loathing at the licentious and depraved state of society. It needs purifying.

"You are badly advised, my dear sir, when informed 'that Mrs. Jackson, while in Washington, did not fear to put the seal of reprobation on such a character as Mrs. Eaton.' Mrs. Jackson, to the last moment of her life, be-

lieved Mrs. Eaton to be an innocent and much injured woman, so far as relates to the tales about her and Mrs. Eaton, and none other ever reached her or me. As Mrs. J. has been introduced into this affair, and as she loved truth while living, and she and myself have taken the (illegible) Psalm for our guide, to which I refer you, I will give you a concise history of the information which I and Mrs. Jackson possessed upon this subject. First, let me remark that Mr. O'Neal is a Mason, Mr. Timberlake was a Mason, and Mr. Eaton is a Mason; therefore every person who is acquainted with the obligations of Masons must know that Mr. Eaton, as a Mason, could not have criminal intercourse with another Mason's wife without being one of the most abandoned of men. The high standing of Mr. Eaton as a man of moral worth and high standing gives the lie direct, in my estimation, to such a charge, and ought to do it, unless the facts of this alleged guilt shall be clearly and unequivocally established, when, should that be the case, he ought and would be spurned with indignation."

The great length of this letter forbids its entire publication, but certainly it is a probing of some preachers and others whom General Jackson believed to be guilty of defamation that had originality as the commencement of a new administration.

CHAPTER XLIX.

JACKSON A DEFENDER OF WRONGED WOMANHOOD—THE LADIES' HOME JOURNAL'S CARICATURE OF MRS. EATON AT DINNER WITH GENERAL JACKSON—GREAT MEN IN CONGRESS AT THIS TIME—JACKSON'S "KITCHEN CABINET"—HIS FIRST MESSAGE TO CONGRESS—HON. JAMES D. RICHARDSON'S OPINION OF ITS STRENGTH—THE CHARGE OF IGNORANCE BY PARTON, SUMNER, SCHURZ AND LODGE—BEGINNING OF JACKSON'S CONFLICT WITH THE BANK OF THE UNITED STATES—PARTON'S ERROR—EXTRACTS FROM JACKSON'S MESSAGE—RECOMMENDS AMENDMENT CHANGING MANNER OF ELECTING PRESIDENT AND VICE PRESIDENT.

THERE can be but one conclusion as to the impelling motive with General Jackson in this Mrs. Eaton affair. Whether the President of the United States acted wisely in assuming the innocence of Mrs. Eaton and in voluntarily taking upon himself her defense is a question that men might differ about. But as to a question of righting a wrong, defending the innocent, or promptly dealing with the guilty, he had a sense of duty that no other public man in this country has had. This exceptional trait in his character is shown in several preceding chapters; notably in righting the wrong of a poor, helpless woman when he was Governor of Florida.

If a woman was wronged, especially in her character, was his manhood engaged, and in her defense he was a whole fire department himself, whether the bell rang or it didn't. But Mr. Eaton was his closest friend, and was a member of his Cabinet.

A Philadelphia preacher, inspired by a Washington

preacher, became the woman's accuser and made two specific charges. These General Jackson took up and went to the bottom of them as he did everything in life. He corresponded with dozens of men. He sent a man to New York to investigate one of the charges. He confronted the two preachers in a personal, face-to-face meeting. This episode and all that was said so completely vindicated the woman that he immediately wrote down the entire conversation to be preserved, as it has been.

General Jackson knew how to attack character destroyers, but he had a nice sense of social duty, and if he had made a demand on the members of his Cabinet as to whom their families should visit, he would not have been Andrew Jackson, but a poor weakling who had by accident reached a high station. This story that General Jackson, while President, made a demand in the early part of his administration on his Cabinet officers to the effect that their families must associate with Mrs. Eaton had a wide circulation, and even writers to the present day deal with this item of his administration as a scandal which they delight to put before the public. It is true there was some foundation for this report, and when this started there was no stopping it.

R. N. Johnson, of Kentucky, did say to Mr. Ingham, one of the members of his Cabinet, that he was authorized to say that he knew unless something was done to bring about social intercourse between the families of himself—that is, Mr. Ingham, Mr. Branch, and Mr. Berrien—with the Eaton family, that they, as members of the Cabinet, would be removed. This created great feeling, and Mr. Ingham wrote a spirited article, but to whom does not appear.

The next day Colonel Johnson, after seeing General Jackson, qualified the statement by asking him to correct it.

On the question which General Jackson had up, Mr. Par-ton himself says:

“General Jackson succeeded in showing that the charges

against Mrs. Eaton were not supported by the testimony, and to the careful reader of the whole facts this is undoubtedly true, notwithstanding all that has been said about it."

The *Ladies' Home Journal* of December, 1900, has a caricature of Mrs. Eaton at dinner with General Jackson, and some ladies with their faces all turned away from Mrs. Eaton.

This latest perversion of the facts makes Mrs. Eaton the cause of the dissolution of the Cabinet. In the next chapter will be found all the facts about the dissolution of the Cabinet.

Mr. Calhoun was Vice President. General Jackson's Cabinet was: Secretary of State, Martin Van Buren, of New York; Secretary of the Treasury, David H. Ingham, of Pennsylvania; Secretary of War, John H. Eaton, of Tennessee; Secretary of the Navy, John Branch, of North Carolina; Attorney General, John L. Berrien, of Georgia; Postmaster General, William T. Berry, of Kentucky.

At this period there were perhaps more big men in Congress than at any period in the history of our country. Among the men that were then greatly distinguished, or came to be afterwards, in the Senate, were Levi Woodbury, of New Hampshire; Horatio Seymour, of Vermont; Theodore Frelinghuysen, of New Jersey; John M. Clayton, of Delaware; John Tyler, of Virginia; Robert T. Hayne, of South Carolina; John M. Troupe and John M. Forsyth, of Georgia; Henry Clay, of Kentucky; Felix Grundy and Hugh L. White, of Tennessee; Edward Livingston, of Louisiana; William R. King, of Alabama; and Thomas H. Benton, of Missouri.

While this showing makes an exceptional lot of big men in the Senate, it could not be said that the Cabinet was really a strong one. There were two strong men in it, men of great intellect, who made their mark on the country.

One was Mr. Van Buren, of New York, and the other was Mr. Berrien, of Georgia. A word about the several members of the Cabinet may not be out of place. Mr. Ingham, holding the second place in the Cabinet, that of Secretary of the Treasury, belonged to a Pennsylvania Quaker family, an industrious, thriving people, but at no time and no place in his life did he distinguish himself as a great man. Mr. Eaton was a North Carolinian by birth; came to Tennessee with his mother and sisters at an early day, settled at Franklin, studied law, and soon distinguished himself as a lawyer. He was a scholarly man with rare gifts as a public speaker, a man of fine habits and quite popular, as shown by his election to the United States Senate when he was a young man. John Branch was a man of education, highly respected, talented, of fine presence and high social position. He had been Governor of his State and in the United States Senate.

It would not do in writing the life of Jackson to leave out what the old men of his country, and especially the active politicians, remember as General Jackson's "Kitchen Cabinet." This was an epithet and used as a stigma by Jackson's enemies, and grew out of the fact that his enemies at an early day assumed, just as Mr. Parton does in his life of Jackson, that there were always about him a few men who could control him. General Jackson's enemies, by way of derision, always said that his "Kitchen Cabinet," and not his constitutional advisers, controlled him, and it was sometimes intimated that he had selected men that were not strong, intending that they should be only clerks and not advisers. This is far from being true. All his Cabinet were highly respected, and most of them had held important positions, either as Governors or Senators; but this charge was so completely refuted by the appointment of his second Cabinet, after the dissolution of his first, that the charge was perhaps never renewed.

Perhaps in the next chapter it will be my duty to give the reorganization of his Cabinet, when it will appear that his entire Cabinet upon the reorganization was made up of the strongest men to be had, perhaps the very best known men and men of highest character.

The epithet of "Kitchen Cabinet" grew out of the fact that four men who were specially attached to General Jackson, not members of his Cabinet, were looked upon by him and held as friends that he could rely upon under all circumstances, and certainly they were closest to him. They were William B. Lewis, Isaac Hill, Amos Kendal, and Duff Greene.

General Jackson's first message to the Congress is a remarkable paper, and it is not surprising that men who had looked upon him as their dangerous rival in public life, reading that paper, together with his other messages, and having cultivated the idea and educated each other in the belief that General Jackson was an uneducated man, it is not surprising that these men, Mr. Clay, Mr. Calhoun, Mr. Webster, and others, in their opposition to General Jackson, and devising means and ways to defeat him, should say and, perhaps, believe that an uneducated backwoodsman could not write such papers as his messages were. And hence, without proof, and except that he was not a man of great learning and, indeed, of limited education, and that he had about him two such men as Mr. Van Buren and Mr. Livingston, it is not surprising that they should assume that one of these men wrote his State papers. If General Jackson gets credit for the State papers to which his name is signed, just as all other Presidents have done, then all idea of General Jackson being an ignorant man must fall to the ground.

Mr. Richardson, who has compiled all the Presidents' papers, and is most thoroughly capable of weighing them, estimating and comparing them with other State papers, pronounces President Jackson's as the ablest of all the State

papers of our Presidents. These messages, to some extent, I shall analyze one by one, giving President Jackson credit, just as all other Presidents have had, of writing his own State papers.

With a view of making up my mind as to the charge of ignorance by Parton, Sumner, Schurz, and Lodge, as well as others, I have carefully read every important paper that can be found, known to be Jackson's own production. I think there is a key that will unlock, solve the question raised by the gentlemen referred to. For instance, I have read more than 100 of his private letters, and which I have in his own handwriting, written to public men, written on public matters, on questions of government in all its departments, as well as letters to friends, women, and children, and all classes of people, for he was the most voluminous letter writer of all our public men. Then there are two papers written by him which I shall give special attention to when I reach them; they are known to have been written by him, and which, when examined, will be sufficient in the estimation of any fair man to satisfy him that if he wrote these papers, then he was capable of writing his State papers.

In taking up the administration of President Jackson, the first thing in order would be what Mr. Parton calls "the terror among office holders," the contemplated sweeping removal of public officers. This would require here special notice, if it were not for a former chapter perhaps out of order. The whole question was discussed in connection with Mr. Benton's criticism of what Mons. de Toqueville said about Jackson's removals. Here I shall notice it no further than to say that the facts there given by Mr. Benton, after a thorough examination of them, show conclusively that Mr. Parton was in a great measure responsible for the ignorance and injustice done President Jackson upon the question of removals. Nothing that will appear in this book will strike the average reader with more surprise than the

careful and painstaking statement of Mr. Benton who, after the charge had been made so flippantly and so freely, went over the books and, in what he wrote, did not speak in general terms, but gave the facts as to the removals, and as to the number left in subordinate places.

Mr. Parton has devoted between twenty and thirty pages to the commencement of General Jackson's administration. He has published a great number of letters and conversations that have little or nothing in the world to do with the life and character of General Jackson. For instance, he publishes what he calls a politician's story, or statement, saying at the outset that no matter for his name, just call him X. Clark. That is a story which, if it had either humor or romance in it, might be used in an evening paper as town gossip, but has no business in the life of General Jackson. It fills up and occupies just twenty-eight pages of the third volume of Parton's "Life of Jackson," and it is nothing but the ups and downs and vicissitudes of a young fellow wanting an office at Washington.

Approaching the administration of General Jackson, I shall carry out my first intention—that is, rather than take his messages and public documents separately, I shall take the question in which his administration was involved, and treat it as a subject.

I have already shown the character of the men in the United States Senate, and shall now take up the questions in which General Jackson's administration was never a cipher, for he was not a man to be indifferent to or about any great question involving the interests of his country, especially while he was in office.

The overpowering question of General Jackson's administration was the bank, and I do not think Mr. Parton or any other unfriendly critic has done him a greater wrong than Parton did in assuming that his position upon the bank question was the result of a conflict between public

men as to who should be President of one of the branch banks.

Jeremiah Mason had been by the bank put at the head of the branch bank in New Hampshire. Certain politicians undertook to have him removed, and it reached the point where there was much excitement about it. The president of the bank went to New Hampshire and made an examination and became satisfied that the charges were not sufficient to remove him, and just here the conflict commenced between the Government and the United States Bank. The Secretary of the Treasury, being inclined to hold that because the United States was a stockholder and put part of the directors in the bank, that at least the Government should have a voice or be heard upon the question of removing or retaining the head officer of one of the branch banks. This Mr. Biddle, the President of the Bank, declined to concede, and Mr. Parton says that this conflict about removing that president of a bank determined General Jackson's course in reference to the bank, and makes this remarkable statement:

"I believe myself warranted in the positive assertion that this correspondence relating to the removal of Jeremiah Mason was the direct and real cause of the destruction of the bank. If the bank had been complacent enough to remove a faithful servant, General Jackson, I am sure, would never have opposed the rechartering of the bank."

Now, a more reckless and extravagant charge than this was perhaps never made against any man in so high a position as General Jackson was at that time. There is nothing in General Jackson's life from start to finish that indicates any such an impulse in reference to great questions involving State affairs. On the contrary, every incident in his life shows that of all the men we have had in high positions, he was the most careful and painstaking. In all his public life and private transactions with men he never came to a

conclusion, involving large interests, without a thorough examination. With him a public office was in fact a public trust and the duties performed with an eye to the public good.

This statement on the part of Mr. Parton is gratuitous, is nothing but his opinion, and in weighing the opinion it is well to look back and remember that when this bank question was up at Washington, Mr. Parton was there, and was a partisan in the conflict and was active on the side of the bank against General Jackson, and hence his opinion on this question is to be considered in the light of a man who had entertained and still cherished much feeling at the time it came up.

If ever a man had honest convictions on a question of public interest, General Jackson had on this bank question, and it would not do to pass over his connection with the United States Bank without a thorough and exhaustive examination of the motives and the reasons for his action.

The first message of General Jackson to the Congress of the United States is a paper much read, weighed, and considered at the time it was made, and all public men have more or less gone back to it and weighed his reasons for the course he took.

I shall here give a few extracts from this remarkable document that will show in a general way what questions were uppermost in General Jackson's mind at the time he became President, including the paragraph in reference to the United States Bank; then I shall take up the question of his connection with it and examine it.

"I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of President and Vice President. Our system of government was, by its framers, deemed an experiment, and they, therefore, consistently provided a mode of remedying its defects.

"To the people belongs the right of electing their chief magistrate. It was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves that, in proportion as agents to execute the will of the people are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the people can, with convenience speak, it is safer for them to express their own will.

"In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us then, endeavor to amend our system, as that the office of chief magistrate may not be conferred upon any citizen, but in pursuance of a fair expression of the will of the majority.

"I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of President and Vice President. The mode may be so regulated as to preserve to each State its present relative weight in the election, and a failure in the first attempt may be provided for by confining the second to a choice between the two highest candidates. In connection with such an amendment it would seem advisable to limit the service of the chief magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved, would not be proper."

Here it seems that when President Jackson's official eye first fell on the Constitution, he discovered what has been generally regarded as an unfortunate limitation on the power of correcting errors when discovered; for indeed the mode pointed out in the Constitution of amending it is a political and legislative puzzle, the secret of which

was not discovered after Jackson's time until when war touched the public mind with coercion and made slaves citizens.

"While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens, but the purity of our government would doubtless be promoted by their exclusion from all appointments in the gift of the President in whose election they may have been officially concerned. The nature of the judicial office, and the necessity of securing in the Cabinet and in diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion.

"With respect to the navy, it may be proper to remind you that whatever may be the proposed object of its establishment, or whatever may be the prospect of temporary advantages resulting therefrom, it is demonstrated by the experience of all nations who have ventured far into naval policy that such prospect is ultimately delusive, and that a navy has ever in practice been known as an instrument of power, a source of expense, and an occasion of collision and wars with other nations than as an instrument of defense, of economy, or of protection to commerce.

"In time of peace we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lay in the harbors where, without proper covering, they rapidly decay, and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels, which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best

policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials prepared for the emergencies of war, than to number of vessels which we can float in a season of peace, as the index of our naval power.

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens, and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency.

"The balance in the Treasury on the first of January, 1829, was five millions, nine hundred and seventy-two thousand, four hundred and thirty-five dollars and eighty-one cents. The receipts of the current year are estimated at twenty-four millions, six hundred and two thousand, two hundred and thirty dollars, and the expenditures for the same time at twenty-six millions, one hundred and sixty-four thousand, five hundred and ninety-five dollars, leaving a balance in the Treasury, on the first of January next, of four millions, four hundred and ten thousand, and seventy dollars and eighty-one cents."

CHAPTER L.

DISSOLUTION OF THE CABINET IN 1831—ERRONEOUS STATEMENT OF THE CAUSE BY THE LADIES' HOME JOURNAL—NOT RENDERED NECESSARY BY THE EATON SCANDAL, BUT BY RUPTURE BETWEEN JACKSON AND CALHOUN—STATEMENT FROM "THIRTY YEARS IN THE SENATE," ENTITLED "BREAKING UP OF THE CABINET AND APPOINTMENT OF ANOTHER"—COMPOSITION OF THE NEW CABINET—RESUME OF EVENTS CAUSING RUPTURE BETWEEN JACKSON AND CALHOUN—JACKSON'S PROMPT ACTIONS IN THE EMERGENCY.

AS IT IS my purpose to discuss the issues of General Jackson's administration rather than consecutively trace its history, it seems in order now to take up the dissolution of his Cabinet in 1831, especially in view of the fact that the last two chapters were, in part, devoted to the world-wide tradition that Mrs. Eaton brought about the dissolution. Perhaps no event in the history of woman's ways in great national councils—and they have been frequent in all ages of the world—was ever so perverted, so entirely distorted into groundless defamation as was the Mrs. Eaton episode connected with General Jackson's administration. And certainly no fabrication ever got a wider circulation, with more staying qualities, than this malicious libel—malicious, because, evidently, the succession to the Presidency to take place at an election the next year added much to the pleasure and opportunity of scandal mongers in defaming people in high places.

Groundless as were the reports sent out from Washington, they have grown and spread until year by year magazine writers hunt up the reports published by the anti-Jack-

son papers at that time, and, for the edification of readers who like a scandal, no matter how ancient or how it originated, they give it a new send-off. While I write, on the first day of December, 1900, the *Ladies' Home Journal* lies before me with the following statement as history:

"Things came to such a pass that the President threatened to dissolve the Cabinet unless his wishes regarding the respect due to Mrs. Eaton were complied with on the part of the contumacious, to at least the extent of leaving formal cards at her house. If they did not yield, the husbands of three of them were informed that they would be invited to leave the Cabinet. They sent word to him that he had no right to exert official power to regulate social intercourse, that Mrs. Eaton had never been received by society, and that it ill became him to force her upon it. The executive wrath rose high. Samuel D. Ingham, the Secretary of the Treasury; John M. Berrien, Attorney General, and John Branch, who was Secretary of the Navy, all three of whom were friends of Calhoun, were accused of conspiracy to drive Eaton out of office and insult his wife.

"Within a little more than a year afterward, or in the summer of 1831, the country was startled to learn that practically the whole Cabinet had been reconstructed. At the same time the public began to hear inklings of the row over "Peggy" Eaton, which hitherto had been little known outside of Washington. What Jackson called the 'four and insidious slanders' were taken up by the opposition press as the reasons—for there were others in his enmity to Calhoun—why Eaton had at last been constrained to resign for the sake of harmony, and why Van Buren went out at the same time voluntarily to become Minister to England, and thus to enable the anti-Eaton trio to be disposed of without any apparent discrimination. At no other period since, in the history of this country, has an entire Presidential Cabinet suffered such a break over a woman. But Jack-

son was virtually conquered by the 'petticoat opposition,' for, while he by no means abandoned the Eatons, he found it wise to send the husband to Florida as Governor and afterward to Spain as minister. The courtly widower, whose studied deference and kindness to Mrs. Eaton won the old warrior's heart completely, was the chief gainer in the memorable 'court war,' for every subsequent political movement of the administration was so directed as to clear the way for Martin Van Buren to the Vice Presidency, although it was curious that when he succeeded to the White House, he sat up there a code of etiquette such as even fashionable damsels thought equaled that of an old-time German principality.

"The beautiful 'Bellona,' as 'Peggy' Eaton was called, survived the great rebellion of the women against Jackson for more than forty years. It was the only time 'Old Hickory' was ever completely vanquished, and yet the stout-hearted old soldier would have been her chivalric companion if she had been the homeliest dame in Washington."

This in its substance is an exaggerated perversion of the scandal from the worst form of gossip found in the scandal monger papers of the anti-Jackson class.

The newspaper articles that seem to have made this scandal a perpetuity were all published after the dissolution, and with malice carried the dissolution back to the Johnson-Ingham affair fifteen months before the dissolution, but which had nothing to do with it. This great national scandal originated at a time when a contest was on for President between Jackson on one side, with Calhoun, Clay, and Webster on the other, and when their friends were wrought up to the highest pitch. Indeed, for malignity and defamation of character, nothing has been seen like it in this country.

The scandal did not take on a political aspect until after

the dissolution of the Cabinet, and after the open rupture between General Jackson and Mr. Calhoun, growing out of the attempt by Mr. Calhoun to have Jackson arrested, which had taken place twelve years before in Monroe's Cabinet, and when Jackson and Calhoun (one President and the other Vice President) were both candidates for President. Then it was that Mr. Ingham, who had become an embittered partisan, made public the Johnson episode. While this episode was promptly explained at the time, and had nothing in the world to do with the dissolution, its publication shortly after the dissolution was sufficient for a boiling hot anti-Jackson press to take it up in connection with the dissolution of the Cabinet; and after this publication by Mr. Ingham, when the political canvass was raging, every newspaper in the country was filled with articles in reference to the split between Jackson and Calhoun and the cause of it. The history of this shows that nearly 200 newspapers were defending Jackson in this contest, and a less number on the other side were assailing him and ignorantly and wickedly bringing into the canvass the Johnson episode, which had long previously taken place.

The reader will not be surprised at the pains and labor bestowed upon this question when he remembers that to-day, seventy years after this notable affair took place, the press of the country, and especially magazines, are dealing with it as they gather it from the anti-Jackson press, because that side contains the scandal, and it is this they seem to think their readers like.

Probably the man who wrote the article for the *Ladies' Home Journal* believed he was giving to the readers of that magazine true history in stating, as the article quoted shows, that the dissolution of the Cabinet was brought about by the Mrs. Eaton affair. And probably the publishers of that excellent and widely read magazine believed they were doing no injustice, no wrong to the dead, when

they so profusely and extensively illustrated the article with the supposed dinner episode at the White House, with General Jackson and Mrs. Eaton at the table, and with other ladies, wives of Cabinet officers, half-way coerced to be present, but turning their heads away from Mrs. Eaton, Such a publication, such a picture in a great magazine at this day, is an injustice to the administration of General Jackson, and especially to the man who was then President and who, through his whole life, had as high a sense of propriety and life's obligations as any man that ever lived on this continent. The author of that article, like the authors of hundreds of similar articles, by a little examination in reliable historical works, could have ascertained just what the facts were about the dissolution.

In all the wide range of unfriendly criticism, even untruthful, that goes into the press, it is always a pleasure to the seeker after truth to turn to works — historic works — that can be relied on. In the preparation of this work I have frequently turned with pleasure to Mr. Benton's great work, and never for one moment, from a careful study of the capability and motive of Mr. Benton in writing the book, have I doubted that his object was to tell the truth about everything he touched, not for the time, not for party, not even for the generation in which he wrote, but for posterity through all coming time. And such is the character of his work growing in the public mind year by year that all who search for truth in the coming years will turn to it. Mr. Benton was in Congress during the entire term of General Jackson's eight years. He was, of all men in the Senate, the most critical and careful observer of what was transpiring. He was the intimate and close friend of General Jackson, and kept his relations such with the opposing parties and with their friends, that he got at the truth as perhaps no other man, certainly no other writer did, and seeing, when preparing this great work, that great injustice

was being done, he took pains to give exact facts about the dissolution.

In this work I have already published a full synopsis of what is known as General Jackson's exposition of the rupture between him and Mr. Calhoun, and which Mr. Calhoun had an opportunity to contradict, but declined to do it. This publication and attending circumstances leave not a solitary doubt that this rupture between Mr. Calhoun and General Jackson led directly to the dissolution of the Cabinet, and, indeed, was the sole cause of the dissolution. The Mrs. Eaton affair had nothing in the world to do with it. To put this question entirely at rest and give to those who desire to know the truth about this very unpleasant historical affair, I give here the entire chapter, not long, but containing every single fact connected with the dissolution of the Cabinet. See "Thirty Years in the Senate":

"BREAKING UP OF THE CABINET AND APPOINTMENT OF
ANOTHER.

"The publication of Mr. Calhoun's pamphlet was quickly followed by an event which seemed to be its natural consequence—that of a breaking up and reconstructing the President's Cabinet. Several of its members classed as the political friends of Mr. Calhoun, and could hardly expect to remain as ministers to General Jackson while adhering to that gentleman. The Secretary of State, Mr. Van Buren, was in the category of future presidential aspirants, and, in that character, obnoxious to Mr. Calhoun, and became the cause of attacks upon the President. He determined to resign, and that determination carried with it the voluntary or obligatory resignation of all the others, each one of whom published his reasons for his act. Mr. Eaton, Secretary of War, placed his upon the ground of original disinclination to take the place, and a design to quit it the first suitable moment, which he believed had now arrived. Mr. Ingham,

Secretary of the Treasury; Mr. Branch, of the Navy, and Mr. Berrien, Attorney General, placed theirs upon the ground of compliance with the President's wishes. Of the three latter, the two first classed as the friends of Mr. Calhoun; the Attorney General, on this occasion, was considered as favoring him, but not of his political party. The unpleasant business was courteously conducted, transacted in writing as well as personal conversations, and all in terms of the utmost decorum. Far from an attempt to find an excuse for his conduct in the imputed misconduct of the retiring Secretaries, the President gave them letters of respect, in which he bore testimony to their acceptable deportment while associated with him, and placed the required resignations exclusively on the ground of a determination to reorganize his Cabinet. And, in fact, that determination became unavoidable after the appearance of Mr. Calhoun's pamphlet. After that Mr. Van Buren could not remain, as being viewed under the aspect of 'Mordecai, the Jew, sitting at the King's gate.' Mr. Eaton, as his supporter, found a reason to do what he wished in following his example. The supporters of Mr. Calhoun, however unexceptional their conduct had been, and might be, could neither expect nor desire to remain among the President's confidential advisers after the broad rupture with that gentleman. Mr. Barry, Postmaster General, and the first of that office who had been called to the Cabinet councils, and classing as friendly to Mr. Van Buren, did not resign, but soon had his place vacated by the appointment of Minister to Spain. Mr. Van Buren's resignation was soon followed by appointment of Minister to London, and Mr. Eaton was made Governor of Florida, and, on the early death of Mr. Barry, became his successor at Madrid.

"The new Cabinet was composed of Edward Livingston, of Louisiana, Secretary of State; Louis McLane, of Delaware (recalled from the London mission for that purpose),

Secretary of the Treasury; Lewis Cass, of Ohio, Secretary of War; Levi Woodbury, of New Hampshire, Secretary of the Navy; Amos Kendall, of Kentucky, Postmaster General; Roger Brooke Taney, of Maryland, Attorney General. This change in the Cabinet made a great figure in the party politics of the day, and filled all the opposition newspapers, and had many sinister reasons assigned for it, all to the prejudice of General Jackson and Mr. Van Buren, to which neither of them replied, though having the easy means of vindication in their hands — the former in the then prepared ‘Exposition,’ which was then first given to the public; the latter in the testimony of General Jackson, also first published in his ‘Thirty Years’ View’ and in the history of the real cause of the breach between General Jackson and Mr. Calhoun, which the ‘Exposition’ contains. Mr. Crawford was also sought to be injured in the published ‘correspondence,’ chiefly as the alleged divulger, and for a wicked purpose, of the proceedings in Mr. Monroe’s Cabinet in relation to the proposed military court on General Jackson. Mr. Calhoun arraigned him as the divulger of that Cabinet secret, to the faithful keeping of which, as well as of all the Cabinet proceedings, every member of that council is most strictly enjoined. Mr. Crawford’s answer to this arraignment was brief and pointed. He denied the divulgence, affirmed that the disclosure had been made immediately after the Cabinet consultation in a letter sent to Nashville, Tennessee, and published in a paper of that city, in which the facts were reversed, Mr. Crawford being made the mover of the court inquiry proposition and Mr. Calhoun the defender of the General; and he expressed his belief that Mr. Calhoun procured that letter to be written and published for the purpose of exciting General Jackson against him, which belief the ‘Exposition’ seems to confirm, and declaring that he only spoke of the Cabinet proposition

after the publication of that letter and for the purpose of contradicting it, and telling the fact that Mr. Calhoun made the proposition for the court, and that Mr. Adams and himself resisted and defeated it. His words were: 'My apology for having disclosed what passed in a Cabinet meeting, is this: In the summer after that meeting, an extract of a letter from Washington was published in a Nashville paper, in which it was stated that I had proposed to arrest General Jackson, but that he was triumphantly defended by Mr. Calhoun and by Mr. Adams. This letter I have always believed was written by Mr. Calhoun, or by his direction. It had the desired effect. General Jackson became extremely inimical to me and friendly to Mr. Calhoun. In stating the arguments of Mr. Adams to induce Mr. Monroe to support General Jackson's conduct throughout, adverting to Mr. Monroe's apparent admission that if a young officer had acted so, he might be safely punished, Mr. Adams said that if General Jackson has acted so, that if he had been a subaltern officer, shooting was too good for him. This, however, was said with a view of driving Mr. Monroe to an unlimited support of what General Jackson had done, and not with an unfriendly view to the General. Mr. Calhoun's proposition in the Cabinet was that General Jackson should be punished in some form, I am not positive which. As Mr. Calhoun did not propose to arrest General Jackson, I feel confident that I could not have made use of that word in my relation to you of the circumstances which transpired in the Cabinet.

"This was in the letter to Mr. Forsyth, of April 30, 1830, and which was shown to General Jackson, and by him communicated to Mr. Calhoun, and which was the second thing that brought him to suspect Mr. Calhoun, having repulsed all previous intimations of his hostility to the General, or been quieted by Mr. Calhoun's answers. The Nashville

letter is strongly presented in the 'Exposition' as having come from Mr. Calhoun, as believed by Mr. Crawford.

"Upon the publication of the 'correspondence,' the *Telegraph*, formerly the Jackson organ, changed its course, as has been revealed to Mr. Duncanson, came out for Mr. Calhoun, and against General Jackson and Mr. Van Buren, followed by all the affiliated presses which awaited its lead. The *Globe* took the stand for which it was established and became the faithful, fearless, incorruptible and powerful supporter of General Jackson and his administration in the long, vehement and eventful contests in which he became engaged."

The dissolution of the Cabinet came of a sudden and aggravated rupture between the President of the United States and the Vice President, who had been long, close and warm personal friends, a personal friendship which originated in a matter, as heretofore shown, of some consequence to General Jackson. This rupture came when Crawford unlocked the door on the skeleton in Monroe's Cabinet, all fully explained in this and other previous chapters. This long-kept secret was exposed, and General Jackson came into the full consciousness of it by the letter to Mr. Crawford. This letter he doubled up and sent to Mr. Calhoun, and, of course, this ended the friendship; there could manifestly be no pleasant relations between the two afterwards. At the time of this violent rupture between the President and Vice President, Mr. Calhoun was an avowed candidate for the succession, and General Jackson had given his friends permission to use his name for a second term. Before this rupture came, Mr. Calhoun had anticipated it, and when he went home from the session in 1831 he had prepared a pamphlet of sixty pages, in which he had reviewed all that tended to disruption between him and General Jackson except one thing — the skeleton in the

Monroe Cabinet. This pamphlet was put in circulation, was much discussed in the press, Calhoun's friends applauded it and Jackson's friends censured it. Every paper in the South took Jackson's side, except one or two papers in South Carolina, and probably Jackson had a majority in the North.

Jackson at once saw that this condition of things could not remain. The contest between Mr. Calhoun and himself was evidently to be personal and bitter. Three members of his Cabinet were for Calhoun and against him. There was, at that time, in the minds of public men, and in anticipation, much important work to be done by the Administration and by Congress; and while the conflict was a bitter one, there was evident with Jackson a higher consideration, that one grand idea—"that my country is above me and above everything else"—and hence an inharmonious official family at such a crisis would accomplish nothing for the good of the country, and would probably be ruinous to the important legislation which Jackson had pointed out in his first message, and especially to the settlement of long outstanding claims with other governments, which he had made up his mind to settle as the first great work of his presidential term.

Jackson was always great, but especially in an emergency. When the time came to decide between two horns of a dilemma, he was never a man to wait long, but made up his mind as if by intuition, and all of his life's history shows no mistake made in these emergencies, though they came thick and fast. He rarely consulted anybody in such an emergency as this, and the probability is that not a human being in the world knew what he was going to do, and so far as there is any evidence the first time he opened his mouth about it was to call up the two friends he had in the Cabinet (for he had only two known friends), Mr. Van Buren and

Mr. Eaton. Messrs. Ingham, Berrien and Branch were openly for Mr. Calhoun. So when his two friends came he said to them: "Gentlemen, I want you to resign out of my Cabinet." And the same day they sent in their resignations. The other three — Mr. Ingham, Mr. Berrien and Mr. Branch, then came to the President, as he knew they would, and said to him: "Mr. President, what do you want us to do?" And he said politely: "I want you to resign." And this was all there was about the dissolution, and there was nothing connected with it, except the discovery of a skeleton in Monroe's Cabinet, which had been hidden away for twelve years, and during which Mr. Calhoun had professed the greatest friendship and admiration for General Jackson. In addition to the rupture with Calhoun, General Jackson was much grieved that for twelve years he had done Crawford a great injustice by supposing that he had been the mover of whatever did take place in the Cabinet, for he had long known there was something, but he never knew what.

Now, whoever reads the synopsis of the "Exposition," heretofore published in this book, giving a full account of what Jackson regarded as Calhoun's treachery to him, will at once see that Jackson would not consent to keep in his Cabinet, a part of his official family, the warm, political, personal friends of Mr. Calhoun. The feeling between him and Mr. Calhoun threatened, in the future political hostility, a virulence hardly ever seen in a political contest.

Now, in the face of these facts, for any historian, biographer or public writer, to say that Mrs. Eaton broke up the Cabinet evidences one of two things — actual malice in the writer or gross negligence in seeking the facts. The Mrs. Eaton affair had taken place fifteen months before the dissolution, and the correspondence between General Jackson and the members of his Cabinet about the dissolution will satisfy any reader there was nothing but the conflict with

Mr. Calhoun that had anything to do with the dissolution. There was a showing of kindly relations and the highest respect for each other in the letters of the Cabinet members and in General Jackson's replies.

It is nothing short of a crime for people making history to assume that Mrs. Eaton broke up the Cabinet, or that she had anything to do with it.

CHAPTER LI.

THE BANK QUESTION—JACKSON'S PAPER PREPARED FOR HIS CABINET ON THE REMOVAL OF THE DEPOSITS FROM THE BANK OF THE UNITED STATES—QUOTATION FROM THIS PAPER—CHARGES AND EVIDENCE AGAINST THE BANK.

AS HERETOFORE intimated, General Jackson's career as President of the United States will be more readily seen and best understood by taking up the questions he had to deal with rather than a connected narrative of events.

Perhaps no event in American history has been more discussed, and no one question has had a wider sweep in its influence upon the country and in politics than what is known as the bank question. With readers who want to know the real character, the make-up of the man, General Jackson's connection with the bank question may be studied with profit. There is nothing in his whole life, not even his daring desperation at New Orleans, fighting one of England's greatest armies with a few backwoodsmen, more courageous than his treatment of the United States Bank question. In his very first message he brought it forward, when the bank had about six years to run. The manner in which he brought it up so conservatively, indeed, merely a suggestion, then his renewal of it in his several annual messages, all show, instead of the bank question being an accident with him, as some of the biographers have supposed, it was emphatically his question, and a question which he had greatly at heart. There is no incident in American history that exceeds, in prudence and courage, his conduct

and final overthrow of the United States Bank. It divided public men, formed new parties and brought to the front the talent of the country as well as exhaustive arguments.

Whether General Jackson saw into the future and had his mind fixed on what was to come by the concentrated power of money may be problematical, but one thing is certain — that in the great question of capital and labor, the rich and the poor, the centralizing of money influence, judging from what took place, he did see more clearly the issue than others have done since. No one, no Senator, no President, no other American citizen, has ever presented more clearly and powerfully the argument against the concentration of money, and the combinations of those who control money, than did General Jackson in his celebrated papers — his annual messages, his veto message, and especially in the private paper which he prepared to read to his Cabinet in view of the step he was going to take in removing the deposits. The manner in which I shall present this bank question, historically, and as evidence in the character of the great man, will seem to many people to be prolix, but the people of this country now are reaching a high degree of intelligence, and there is a spirit of research, seeking for truth in historical matters, and in weighing men of the past, that will be neither prolix nor uninteresting in the facts.

There are special reasons why I now give the paper which General Jackson prepared for his Cabinet on the subject of removing the deposits so much space. General Jackson certainly wrote this paper himself, which, together with two or three other papers that he did write, as well as private letters now in my possession, prove that, either by prejudice or ignorance, many of the writers since 1859, when Parton wrote his book, have entirely misrepresented General Jackson upon the question of mental endowment and culture. I shall use these papers that are known to be his own work as a key to show that his great state papers

were written by himself. Perhaps the misrepresentation by writers of General Jackson's mental endowments has done his reputation more harm than any, or all, of the perverted statements as to his life in other respects. There are so many people who yet believe that General Jackson was an ignorant man that I deem it necessary to introduce proof, irrefutable circumstantial evidence, to show that he was a man, not only of great mental power, but with a mind trained to think and write upon all subjects, as but few men in this country have been.

This paper is a very long one, carefully prepared by him in his room, certainly not written by any member of his Cabinet. It was his private paper to read to his Cabinet and to show them why he removed the deposits. This paper, while it has been on file at Washington since it was written, was never published after the debate on it in the Senate until Mr. Richardson published it in his "Messages and Papers of the Presidents," and it has scarcely been read at all by the public. He commences the paper by saying:

"The President having carefully and anxiously considered all the facts and arguments which have been submitted to him relative to a removal of the public deposits from the Bank of the United States, he deems it his duty to communicate to his Cabinet the final conclusions of his own mind and the reasons on which they are founded, in order to put them in durable form and to prevent misconceptions.

"The President's convictions of the dangerous tendencies of the Bank of the United States, since signally illustrated by its own acts, were so overpowering when he entered on the duties of Chief Magistrate that he felt it his duty, notwithstanding the objection of the friends by whom he was surrounded, to avail himself of the first occasion to call the attention of Congress and the people to the question of its recharter. The opinions expressed in his annual message of December, 1829, were reiterated in those of December, 1830 and 1831, and in that of 1830 he threw out for con-

sideration some suggestions in relation to a substitute. At the session of 1831-32 an act was passed by a majority of both Houses of Congress rechartering the present bank, upon which the President felt it to be his duty to put his constitutional veto. In his message returning that act he repeated and enlarged upon the principles and views briefly asserted in his annual message, declaring the bank to be, in his opinion, both inexpedient and unconstitutional, and announcing to his countrymen his firm determination never to sanction by his approval the continuance of that institution or the establishment of any other upon similar principles.

"There are strong reasons for believing that the motive of the bank in asking for a recharter at this session of Congress was to make it a leading question in the election of a President of the United States the ensuing November, and all steps deemed necessary were taken to procure from the people a reversal of the President's decision.

"Although the charter was approaching its termination and the bank was aware that it was the intention of the Government to use the public deposit, as fast as it accrued, in the payment of the public debt, yet it did extend its loans from January, 1831, to May, 1832, from \$42,402,304.24 to \$70,428,070.72, being an increase of \$28,025,766.48 in sixteen months. It is confidently believed that the leading object of this immense extension of its loans was to put as large a portion of the people as possible under its power and influence, and it has been disclosed that some of the largest sums were granted on very unusual terms to the conductors of the public press. In some of these cases the motive was made manifest by the nominal or insufficient security taken for the loans, by the large amounts discounted, by the extraordinary time allowed for payment, and especially by the subsequent conduct of those receiving the accommodations.

"Having taken these preliminary steps to obtain control over public opinion, the bank came into Congress and asked a new charter. The object avowed by many of the advocates of the bank was to put the President to the test that the country might know his final determination relative to the bank prior to the ensuing election. Many documents

and articles were printed and circulated at the expense of the bank to bring the people to a favorable decision upon its pretensions. Those whom the bank appears to have made its debtors for the special occasion were warned of the ruin which awaited them should the President be sustained, and attempts were made to alarm the whole people by painting the depression in the price of property and produce and the general loss, inconvenience and distress which it was represented would immediately follow the re-election of the President in opposition to the bank.

“Can it now be said that the question of a recharter of the bank was not decided at the election which ensued? Had the veto been equivocal, or had it not covered the whole ground; if it had merely taken exceptions to the details of the bill or to the time of its passage; if it had not met the whole ground of constitutionality and expediency, then there might have been some plausibility for the allegation that the question was not decided by the people. It was to compel the President to take his stand that the question was brought forward at that particular time. He met the challenge, willingly took the position into which his adversaries sought to force him, and frankly declared his unalterable opposition to the bank as being both unconstitutional and inexpedient. On that ground the case was argued to the people, and now that the people have sustained the President, notwithstanding the array of influence and power which was brought to bear upon him, it is too late, he confidently thinks, to say that the question has not been decided. Whatever may be the opinions of others, the President considers his re-election as a decision of the people against the bank. In the concluding paragraph of this veto message, he said :

“‘I have done my duty to my country. If sustained by my fellow citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace.’

“He was sustained by a just people, and he desires to evince his gratitude by carrying into effect their decision so far as it depends on him. * * *

“It was asserted by the Secretary of the Treasury, without contradiction, as early as 1817, that he had power ‘to

control the proceedings of the Bank of the United States at any moment by changing the deposits to the State banks,' should it pursue an illiberal course toward those institutions; that 'the Secretary of the Treasury will always be disposed to support the credit of the State banks, and will invariably direct transfers from the deposits of the public money in aid of their legitimate exertions to maintain their credit'; and he asserted a right to employ the State banks when the Bank of the United States should refuse to receive on deposit the notes of such State banks as the public interest required should be received in payment of the public dues. In several instances he did transfer the public deposits to State banks in the immediate vicinity of branches, for reasons connected only with the safety of those banks, the public convenience and the interests of the treasury.

"If it was lawful for Mr. Crawford, the Secretary of the Treasury at that time, to act on these principles, it will be difficult to discover any sound reason against the application of similar principles in still stronger cases. And it is a matter of surprise that a power which in the infancy of the bank was freely asserted as one of the ordinary and familiar duties of the Secretary of the Treasury should now be gravely questioned, and attempts made to excite and alarm the public mind as if some new and unheard of power was about to be usurped by the executive branch of the Government. * * *

"But in the conduct of the bank may be found other reasons very imperative in their character, and which require prompt action. Developments have been made from time to time of its faithlessness as a public agent, its misapplication of public funds, its interference in elections, its efforts by the machinery of committees to deprive the Government directors of a full knowledge of its concerns, and, above all, its flagrant misconduct as recently and unexpectedly disclosed in placing all the funds of the bank, including the money of the Government, at the disposition of the president of the bank as means of operating upon public opinion and procuring a new charter, without requiring him to render a voucher for their disbursement. A brief recapitulation of the facts which justify these charges, and which have come to the knowledge of the public and

the President, will, he thinks, remove every reasonable doubt as to the course which it is now the duty of the President to pursue.

"We have seen that in sixteen months, ending in May, 1832, the bank had extended its loans more than \$28,000,000. It was in May, 1832, the bank had extended its loans more than \$28,000,000, although it knew that the Government intended to appropriate most of its large deposit during that year in payment of the public debt. It was in May, 1832, that its loans had arrived at its maximum, and in the preceding March so sensible was the bank that it would not be able to pay over the public deposit when it would be required by the Government that it commenced a secret negotiation, without the approbation or knowledge of the Government, with the agents for about \$2,700,000 of the 3 per cent stocks held in Holland, with a view of inducing them not to come forward for payment for one or more years after notice should be given by the Treasury Department. This arrangement would have enabled the bank to keep and use during that time the public money set apart for the payment of these stocks.

"After this negotiation had commenced the Secretary of the Treasury informed the bank that it was his intention to pay off one-half of the 3 per cents on the 1st of the succeeding July, which amounted to about \$6,500,000. The president of the bank, although the committee of investigation was then looking into its affairs at Philadelphia, came immediately to Washington, and upon representing the bank was desirous of accommodating the importing merchants at New York (which it failed to do) and undertaking to pay the interest itself, procured the consent of the Secretary, after consultation with the President, to postpone the payment until the succeeding 1st of October.

"Conscious that at the end of that quarter the bank would not be able to pay over the deposits, and that further indulgence was not to be expected of the Government, an agent was dispatched to England secretly to negotiate with the holders of the public debt in Europe and induce them, by the offer of an equal or higher interest than that paid by the Government, to hold back their claims for one year, during which the bank expected thus to retain the use of \$5,000,000

of the public money, which the Government should set apart for the payment of that debt. The agent made an arrangement on terms, in part, which were in direct violation of the charter of the bank, and when some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the Government, then, and not before, so much of it as was palpably in violation of the charter was disavowed. A modification of the rest was attempted with a view of getting the certificates without payment of the money, and thus absolving the Government from its liability to the holders. In this scheme the bank was partially successful, but to this day the certificates of a portion of these stocks have not been paid and the bank retains the use of the money.

“This effort to thwart the Government in the payment of the public money to be used for their private interests, palliated by pretenses notoriously unfounded and insincere, would have justified the instant withdrawal of the public deposits. The negotiation itself rendered doubtful the ability of the bank to meet the demands of the Treasury, and the misrepresentations by which it was attempted to be justified proved that no reliance could be placed upon its allegations. ✓

“When the Government directors made an effort to bring back the business of the bank to the board, in obedience to the charter and the existing regulations, the board not only overruled their attempt, but altered the rule so as to make it conform to the practice, in direct violation of one of the most important provisions of the charter which gave them existence. It has long been known that the president of the bank, by his single will, originates and executes many of the most important measures connected with the management and credit of the bank, and that the committee, as well as the board of directors, are left in entire ignorance of many acts done and correspondence carried on in their names and apparently under their authority. The fact has been recently disclosed that an unlimited discretion has been and is now vested in the president of the bank to expend its fund in payment for preparing and circulating articles and purchasing pamphlets and newspapers, calculated by their contents to operate on elections and secure a renewal of its

charter. It appears from the official report of the public directors that on the 30th of November, 1830, the president submitted to the board an article published in the *American Quarterly Review*, containing favorable notices of the bank, and suggested the expediency of giving it a wider circulation at the expense of the bank, whereupon the board passed the following resolutions, viz.:

“*Resolved*, That the president be authorized to take such measures in regard to the circulation of the contents of the said article, either in whole or in part, as he may deem most for the interest of the bank.’

“By an entry in the minutes of the bank, dated March 11, 1831, it appears that the president had not only caused a large edition of that article to be issued, but had also, before the resolution of the 30th of November was adopted, procured to be printed and widely circulated numerous copies of the reports of General Smith and Mr. McDuffie in favor of the bank; and on that day he suggested the expediency of extending his power to the printing of other articles which might subserve the purposes of the institution, whereupon the following resolution was adopted, viz.:

“*Resolved*, That the president is hereby authorized to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank.’

“The expenditures purporting to have been made under authority of these resolutions during the years 1831 and 1832 were about \$80,000. For a portion of these expenditures vouchers were rendered, from which it appears that they were incurred in the purchase of some hundred thousand copies of newspapers, reports and speeches made in Congress, reviews of the veto message and reviews of speeches against the bank, etc. For another large portion no vouchers whatever were rendered, but the various sums were paid on orders of the president of the bank, making reference to the resolution of the 11th of March, 1831.

* * *

“Some of the items for which accounts have been rendered show the construction which has been given to the resolutions and the way in which the power it confers has been exerted. The money has not been expended merely

in the publication and distribution of speeches, reports of committees, or articles written for the purpose of showing the constitutionality or usefulness of the bank, but publications have been prepared and extensively circulated containing the grossest invectives against the officers of the Government, and the money which belongs to the stockholders and to the public has been freely applied in efforts to degrade in public estimation those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous institution. As the president of the bank has not been required to settle his accounts, no one but himself knows how much more than the sum already mentioned may have been squandered, and for which a credit may hereafter be claimed in his account under this most extraordinary resolution. * * *

“Should the bank, for the mere purpose of producing distress, press its debtors more heavily than some of them can bear, the consequences will recoil upon itself, and in the attempts to embarrass the country it will only bring loss and ruin upon the holders of its own stock. But if the President believed the bank possessed all the power which has been attributed to it, his determination would only be rendered the more inflexible. If, indeed, this corporation now holds in its hands the happiness and prosperity of the American people, it is high time to take the alarm. If the despotism be already upon us, and only safety is in the mercy of the despot, recent developments in relation to his designs and the means he employs show how necessary it is to shake it off. The struggle can never come with less distress to the people or under more favorable auspices than at the present moment. * * *

“Viewing it as a question of transcendent importance, both in the principles and the consequences it involves, the President could not, in justice to the responsibility which he owes to the country, refrain from pressing upon the Secretary of the Treasury his view of the consideration which impelled to immediate action. Upon him has been devolved by the Constitution and the suffrages of the American people the duty of superintending the operation of the executive department of the Government, and seeing that the laws are faithfully executed. In the performance

of this high trust it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the Government his opinion of their duties under circumstances as they arise. It is this right which he now exercises. Far be it from him to expect or require that any member of the Cabinet should at his request, order or dictation, do any act which he believes unlawful or in his conscience condemns. From them and from his fellow citizens in general he desires only that aid and support which their reason approves and their conscience sanctions.

"In the remarks which he has made on this all-important question he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the President has formed on a measure of great national interest deeply affecting the character and usefulness of his Administration, and not a spirit of dictation, which the President would be as careful to avoid as ready to resist. Happy will he be if the facts now disclosed produce uniformity of opinion and unity of action among the members of the Administration.

"The President again repeats that he begs his Cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed after the most mature deliberation and reflection as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been in vain and fruitless. Under these convictions he feels that a measure so important to the American people cannot be commenced too soon, and he therefore names the first day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made.

"ANDREW JACKSON."

CHAPTER LII.

THE BANK ISSUE CONTINUED—EMINENT MEN FAVORABLE TO THE BANK—JACKSON'S SUPPORTERS—THE COMPLEXION OF POLITICS—PLAN OF THE FRIENDS OF THE BANK—THE BILL FOR RECHARTERING THE BANK PASSED AND VETOED—THIS VETO THE ISSUE IN THE ENSUING PRESIDENTIAL ELECTION—POPULAR EVIDENCES OF DISCONTENT BECAUSE OF THE VETO PRESENTED BY BENTON—JACKSON'S TRIUMPH IN THE ELECTION OF 1832—CONSPIRACY OF CLAY, CALHOUN, WEBSTER, AND OTHERS AGAINST JACKSON—THE SENATE'S REFUSAL TO CONFIRM APPOINTMENT OF VAN BUREN — BENTON'S SUMMARY OF ELECTION OF 1832—THE MORGAN-MASONIC EPISODE AND ITS POLITICAL SIGNIFICANCE.

IT WILL be remembered that the questions growing out of the bank issue ran through a large part of both of General Jackson's presidential terms. If there was anything about General Jackson that stood out bolder than all others, it was his courage and fairness in meeting issues. Each one of his four messages in the first term gave to the public a clear indication of his purpose to meet the issue when it came. He intended to let the country know that recharter of the bank would never be approved by him. This issue was accepted by the leaders, who were taking sides with the bank, and they embraced Mr. Calhoun, Mr. Clay, Mr. Webster, and with them the following Senators: Bibb, of Kentucky; Chambers, of Maryland; Clayton, of Delaware; Ewing, of Ohio; Frelinghuysen, of New Jersey; Watkins Leigh, of Virginia; Mangum, of North Carolina; Preston, of South Carolina; Southard, of New Jersey; Tyler, of Virginia.

In the House, the strong men against Jackson on this question were Bell, of Tennessee; Archer, of Virginia; Choate, of Massachusetts; Filmore, of New York; Letcher, of Kentucky; Hardin, of Kentucky; McDuffie, of South Carolina; Peyton, of Tennessee; Wise, of Virginia. All these in the Senate and House took part in the great debate on the bank question.

While Jackson had strong supporters, his dependence mainly was on Mr. Benton, in the Senate; but more than all else his dependence was founded on the conviction that he was in the right. This war on the bank commenced with Jackson's political career, and lasted through both terms. Never was there in the history of the world an issue made up with more deliberation than this, and never did a greater body of men make up an issue than the men who prepared it, with a view, perhaps, of overthrowing General Jackson. At no time in the history of this country have there been stronger men in the Senate and in the House than at that time.

There was practically but one party. The Federal party had died with Mr. Adams' term. They were just then beginning to call General Jackson a Democrat. The Democrats, up to this time, and afterwards, were called Republicans. General Jackson, Mr. Calhoun, Mr. Clay, and all the strong men in Congress were known as belonging to the Republican party, and when this issue was made up it was an issue between the two leaders of the same party, General Jackson and Mr. Clay having been identified as leaders in the same party. Mr. Calhoun, it is true, had abandoned the race for President, and had given notice that he would no longer act with either of the parties, but he was going to take care of South Carolina.

The very first message of General Jackson had, in mild form, indicated his views upon the bank question. That was in 1829. It was not then supposed that he was going

to become hostile to the bank to the extent of withholding his signature to a charter, but his second, third and fourth messages of the first term, particularly the second message, strongly indicated his unbelief in the expediency and constitutionality of the bank, so that the officers of the bank and its various branches in different States commenced preparing for the great issue that must finally come. It was not believed that any influence could be brought on General Jackson that would cause him to change his views.

While General Jackson was the boldest and bravest of all the Americans of his or any other time, in making his issues, yet there were bold, brave men on the other side — men of great power, great ability — and they were backed by the influence and power of the United States Bank, which was at that time a financial monarch. The plan they advised was most extraordinary; it was that they would recharter the bank, although it had then four years to run. This plan was adopted by Mr. Clay and his friends, with a view of making it an issue in the presidential election just ahead. Mr. Clay and his friends had control of both Houses by very considerable majorities, and they deliberately rechartered the bank; of course, to take effect at the expiration of the existing bank.

General Jackson accepted the issue and vetoed the bill, knowing that he was to be elected or defeated for a second term on this question. The great battle, which was then under headway, was renewed with systematic desperation, and no such contest has ever been waged in the forum of politics in this country as that was, until the election. It was desperation, indeed, on the part of General Jackson's enemies, and it was systematic desperation.

Immediately on the veto of the bank bill the calamity cry was taken up, and it fairly shook the country from one end to the other. Nothing else was thought of in Congress, and it must be admitted that the opposition to Jackson had

the advantage in both Houses in intellectual power and in influence, though Jackson had Mr. Benton, who was not inferior to Mr. Clay or Mr. Webster, or any other man in the Senate. He was really the only overtowering intellect he had in either House. But Jackson was relying upon the facts set forth in his annual message and in his veto message, which was substantially the argument presented in the paper he read to his Cabinet in 1833 on the removal of the deposits. His annual message and his veto message had been widely read, and he had the utmost confidence that, in the minds of the people, his arguments and his views would never be overthrown by argument. So he accepted this issue, undismayed, and said: "All right; I don't want this office unless the people approve my course on this bank question." The evidences of discontent and dissatisfaction would have disheartened any other man, and perhaps Jackson, himself, was the only man who felt absolutely sure that he would triumph before the people over the influence and power of both Houses of Congress and the bank.

The appalling evidences of discontent on account of the veto is, in a limited sense, presented by Mr. Benton as follows:

"Under this caption a general register commenced in all the newspapers opposed to the election of General Jackson (and they were a great majority of the whole number published), immediately after the delivery of the veto message, and were continued down to the day of the election, all tending to show the disastrous consequences upon the business of the country, and upon his own popularity, resulting from that act. To judge from these items, it would seem that the property of the country was nearly destroyed, and the General's popularity entirely; and that both were to remain in that state until the bank was rechartered. Their charter was to show the decline which had taken place in

the price of labor, produce and property; the stoppage and suspension of buildings, improvements and useful enterprises; the renunciation of the President by his old friends; the scarcity of money and the high rate of interest, and the consequent pervading distress of the whole community. These lugubrious memorandums of calamities produced by the conduct of one man were duly collected from the papers in which they were chronicled and registered in *Niles' Register* for the information of posterity; and a few items now selected from the general registration will show to what extent this business of distressing the country (taking the facts to be true), or of alarming it (taking them to be false), was carried by the great moneyed corporation, which, according to its own showing, had power to destroy all local banks, and consequently to injure the whole business of the community. The following are a few of these items, a small number of each class, by way of showing the character of the whole:

“‘On the day of the receipt of the President’s bank veto in New York, 437 shares of United States Bank stock were sold at a decline of 4 per centum from the rates of the preceding day. We learn from Cincinnati that, within two days after the veto reached that city, building bricks fell from \$5 to \$3 per thousand. A general consternation is represented to have pervaded the city. An intelligent friend of General Jackson, at Cincinnati, states as the opinion of the best informed men there, that the veto has caused a depression of real estate of the city of from 25 to 33 1-3 per cent.’

“‘A thousand people assembled at Richmond, Kentucky, to protest against the veto.’

“‘The veto reached a meeting of citizens, in Mason County, Kentucky, which assembled to hear the speeches of the opposing candidates for the Legislature, on which two of the administration candidates immediately withdrew

themselves from the contest, declaring that they could support the administration no longer.'

" 'Lexington, Ky., July 25.—A call, signed by fifty citizens of great respectability, formerly supporters of General Jackson, announced their renunciation of him, and invited all others, in the like situation with themselves, to assemble in public meeting and declare their sentiments. A large and very respectable meeting ensued.'

" 'Louisville, Ky., July 18.—Forty citizens, ex-friends of General Jackson, called a meeting to express their sentiments on the veto, declaring that they could no longer support him. In consequence, one of the largest meetings ever held in Louisville was convened and condemned the veto, the anti-tariff and anti-internal improvement policy of General Jackson, and accused him of a breach of promise, in becoming a second time a candidate for the presidency.'

" 'At Pittsburg seventy former friends of General Jackson called a meeting of those who had renounced him, which was numerous and respectably attended, the veto condemned, and the bank applauded as necessary to the prosperity of the country.'

" 'Irish Meeting in Philadelphia.—A call, signed by above 2,000 naturalized Irishmen, seceding from General Jackson, invited their fellow-countrymen to meet and choose between the tyrant and this bank, and gave rise to a numerous assemblage in Independence Square, at which strong resolutions were adopted, renouncing Jackson and his measures, opposing his re-election, and sustaining the bank.'

" 'The *New Orleans Emporium* mentions, among other deleterious effects of the bank veto at that place, that one of the State banks had already commenced discounting four months' paper at 8 per centum.'

" 'Cincinnati farmers look here: We are credibly informed that several merchants in this city, in making con-

tracts for their winter supplies of pork, are offering to contract to pay \$2.50 per hundred if Clay is elected, and \$1.50 if Jackson is elected. Such is the effect of the veto. This is something that people can understand.'

" 'Baltimore.—A great many merchants are thrown out of employment by the stoppage of building. The prospect ahead is that we shall have a very distressing winter. There will be a swift reduction of prices to the laboring classes. Many who subsisted upon labor will lack regular employment, and will have to depend upon chance or charity; and many will go supperless to bed who deserve to be filled.'

" 'Cincinnati.—Facts are stubborn things. It is a fact that last year before this time \$300,000 had been advanced by citizens of this place to farmers for pork, and now, not one dollar. So much for the veto.'

" 'Brownsville, Pa.—We understand that a large manufacturer has discharged all his hands, and others have given notice to do so. We understand that not a single steamboat will be built this season at Wheeling, Pittsburg, or Louisville.'

" 'Niles' Register Editorial.—No King of England has declared a practical use of the word, 'veto,' for about two hundred years or more; and it has become obsolete in the United Kingdom of Great Britain; and Louis Philippe would hardly retain his crown three days were he to veto a deliberate act of the two French Chambers, though supported by an army of 100,000 men.'

"All this distress and alarm, real and fictitious, was according to the programme which prescribed it, and easily done by the bank and its branches in the States; its connection with money dealers and brokers; its power over debtors, and its power over the thousand local banks, which it could destroy by an exertion of its strength, or raise up by an extension of its favor. It was a wicked and infa-

mous attempt on the part of the great money corporation to govern the election by operating on the business and the fears of the people—destroying some and alarming others.”

With the election of 1832, General Jackson's history, so far as the conflict with his enemies was concerned, was over. Take it all in all, his triumph in that election was as great as his campaign of 1814-15, and it is probable, with the victory over his enemies, that the election of 1832 will outlive his great victory over the British.

It, I suppose, will ever be charged that Mr. Clay, Mr. Webster, Mr. Calhoun, and other big men of that time who undertook to overthrow General Jackson, were guilty of a conspiracy in one sense of that hideous term. Surely such men as they would not have entered into a conspiracy to do an unlawful thing, but it is an illustration without a parallel of great men combining to accomplish an end in politics that had all the elements of a wicked purpose, not to say conspiracy.

The assault made by them on Mr. Van Buren, and the charges they brought without a particle of proof, and their contesting his nomination, when General Jackson sent him to London as minister, is a piece of our history which is not pleasant to read.

Readers of the present day may not appreciate what I am now about to tell, but the time will come when facts, freed from prejudice, are looked into, which will mark Mr. Van Buren as one of the purest and noblest men that we have had in public life. The real charge against Mr. Van Buren was that he had influence over General Jackson, and, with the fictitious charges hatched up, they put him on trial in the Senate, and had the Senate to vote against the confirmation of his appointment to London. He came home, and at that time one great man in the Senate looked the three great leaders against Jackson in the face and said to

them: "You have pulled down a minister to a foreign country, but you have made a President of the United States," which turned out to be true.

The bank contest was literally ended by the election in 1832. It had been a fight from start to finish, from the day General Jackson entered upon his first term against the most powerful and influential moneyed institution this country has ever had. It had been a fight by a large portion of the members and politicians generally. Many of Jackson's friends, even in Tennessee, deserted him in this fight. The coolness and calmness with which he conducted this contest, and the deliberation with which he said, "If I am beaten on this question, that is all right; I will find solace in a satisfied conscience; and if I am elected, I shall find satisfaction in the approval of the people of my course." This contest involved, up to the time of the election, the supremacy of Jackson on the one side, or Clay, Calhoun, and Webster on the other. They were all looking out for the presidency. As heretofore shown, the issue was made on the bank. Jackson's enemies had absolute confidence in the power of the bank to defeat him, and especially when they had both the House and the Senate against them, with a view of making the election. They had rechartered the bank so as to force Jackson to veto it, that the issue might be squarely met, and that the country would see that if Jackson was elected, there would be no United States Bank; but if they succeeded in electing Mr. Clay, that the bank would be rechartered, and have Mr. Clay's approval.

No issue was ever more fairly made up. Jackson, in his last message before the election, put himself squarely against the bank, and gave notice to the American people that if he was elected they would have no United States Bank. The enemies of Jackson believed that this bank was omnipotent with confidence, money, and influence, and then the extraordinary combination between Mr. Clay, Mr. Cal-

houn, and Mr. Webster inspired very general confidence that Jackson would be beaten. What his close friends thought is not very clear, but one thing is very certain, Jackson never lost confidence in the people. He had also about closed up the personal matter with Mr. Calhoun, and Mr. Calhoun had about retired from the race for President, and Jackson's victory was complete.

While the exposition had not been published, Jackson had so completely met the charges made by Mr. Calhoun that it ceased to be a matter of serious concern in the election.

Mr. Benton sums up the election of 1832 as follows :

"General Jackson and Mr. Van Buren were the candidates on one side; Mr. Clay and John Sergeant, of Pennsylvania, on the other, and the result of no election had ever been looked to with more solicitude. It was a question of systems and measures, and tried in the persons of men who stood out boldly and unequivocally in the representation of their respective sides. Renewal of the national bank charter, continuance of the high protective policy, distribution of the public land money, internal improvement by the Federal Government, removal of the Indians, interference between Georgia and the Cherokees, and the whole American system was staked on the issue, represented on one side by Mr. Clay and Mr. Sergeant, and opposed on the other by General Jackson and Mr. Van Buren.

"The defeat of Mr. Clay and the consequent condemnation of his measures was complete and overwhelming. He received but forty-nine votes out of a total of 288! And this result is not to be attributed, as done by Mons. de Toqueville, to military fame. General Jackson was now a tried statesman, and great issues were made in his person, and discussed in every form of speech and writing, and in every forum, State and Federal, from the halls of Congress to township meetings, and his success was not only triumphant but progressive. His vote was a large increase upon

the preceding one of 1828, as that itself had been upon the previous one in 1824.

“The result was hailed with general satisfaction, as settling questions of national disturbance, and leaving a clear field, as it was hoped, for future temperate and useful legislation. The vice presidential election also had a point and a lesson in it. Besides concurring with General Jackson in his systems of policy, Mr. Van Buren had, in his own person, questions which concerned himself, and which went to his character as a fair and honorable man. He had been rejected by the Senate as Minister to the Court of Great Britain, under circumstances to give eclat to the rejection, being then at his post, and on accusations of prostituting official station to party intrigue and elevation, and humbling his country before Great Britain to obtain as a favor what was due as a right. He had also been accused of breaking up the friendship between General Jackson and Mr. Calhoun for the purpose of getting a rival out of the way, contriving for that purpose the dissolution of the Cabinet, the resuscitation of the buried question of the punishment of General Jackson in Mr. Monroe’s Cabinet, and a system of intrigues to destroy Mr. Calhoun, all brought forward imposingly in senatorial and congressional debates, in pamphlets and periodicals, and in every variety of speech and newspaper publication; and all with the avowed purpose of showing him unworthy to be elected Vice President. Yet he was elected, and triumphantly, receiving the same vote with General Jackson, except that of Pennsylvania, which went to one of her own citizens, William Wilkins, then United States Senator, and afterwards Minister to Russia and Secretary of War. Another circumstance attended this election of ominous character and deriving emphasis from this state of the times. South Carolina refused to vote in it; that is to say, voted with neither party, and threw away her vote upon citizens who

were not candidates, and who received no vote but her own, namely, Gov. John Floyd, of Virginia, and Henry Lee, of Massachusetts, a declaration not to be accounted for upon any intelligible or consistent reason, seeing that the rival candidates held the opposite sides of the system of which the State complained, and that the success of one was to its overthrow; of the other, to be its confirmation. This circumstance, coupled with the nullification attitude which the State had assumed, gave significance to this separation from the other States in the matter of the election, a separation too marked not to be noticed, and interpreted by current events too clearly to be misunderstood.

“Another circumstance attended this election, of a nature not of itself to command commemoration, but worthy to be remembered for the lesson it reads to all political parties founded upon one idea, and especially when that idea has nothing political in it. It was the anti-Masonic vote of the State of Vermont for Mr. Wirt, late United States Attorney General, for President. The cause of that vote was this:

“Some years before a citizen of New York, one Mr. Morgan, a member of the Freemason fraternity, had disappeared under circumstances which induced the belief that he had been secretly put to death by order of the society for divulging their secrets. A great popular ferment grew out of this belief, spreading into neighboring States, with an outcry against all Masons and all secret societies, and a demand for their suppression. Politicians embarked on this current, turned it into the field of elections, and made it potent in governing many. After obtaining dominion over so many local and State elections, ‘anti-Masonry,’ as the new enthusiasm was called, aspired to higher game, undertook to govern Presidential candidates, subjecting them to interrogatories upon the point of their Masonic faith; and eventually set candidates of their own for these two high

officers. The trial was made in the persons of Messrs. Wirt and Ellmaker, and resulted in giving them seven votes—the vote of Vermont alone—and in showing the weakness of the party and its consequent inutility as a political machine.

“The rest is soon told. Anti-Masonry soon ceased to have a distinctive existence; died out, and, in its death, left a lesson to all political parties founded in one idea—especially when that idea has nothing political in it.”

CHAPTER LIII.

CONTINUOUS ASSAULTS ON JACKSON BY HIS ENEMIES—DESPERATION OF HIS OPPONENTS—CLAY'S RESOLUTION DEMANDING JACKSON'S PAPER ON THE BANK READ TO HIS CABINET AND JACKSON'S REPLY—CLAY'S SPEECH AGAINST JACKSON—CALHOUN'S BITTER SPEECH—EVIDENCE AS TO COALITION OF CLAY AND CALHOUN AGAINST JACKSON—EMINENT FRIENDS OF THE BANK IN THE SENATE—CLAY'S DISAPPOINTMENT AT RESULTS OF THE ELECTION.

GR^{EAT} as was the fight over the United States Bank, and then over the removal of the deposits, fully considered in former chapters, they were only the forerunners of a series of assaults on the President, unequaled in American history in the character of men engaged as well as in the violence and vehemence of the attacks.

In addition to Jackson's victory in the great struggle with the bank, backed up by all whose ambition or supposed grievances made them allies of the bank, there was now a new grievance—Jackson's re-election as President over the combination that had been formed with a commercially and financially ruined country, as the bank claimed to have shown, and over a broken and violated Constitution, as Clay, Calhoun, and Webster claimed to have shown, and over the opposition of both houses of Congress, not only being elected himself by a majority that left his opponent, Mr. Clay, with only forty-nine electoral votes, but carrying the popular branch of the Congress by a handsome majority—all together made great men, great statesmen, like Mr. Clay, Mr. Calhoun, and Mr. Webster, famously

forgetful of their high positions and great reputations as statesmen and Senators. They became desperate, and embarked on a series of assaults on the President that were manifestly personal; they were fulminations such as might be expected in a town meeting or a party convention. The exposure of these proceedings by General Jackson himself in a protest sent to the Senate, and by Mr. Benton, was what might have been expected of a proceeding that was not legislative, but had no ultimate purpose or design which could be enforced, was purely personal and intended only as a fulmination against the President to go to the country, as an emotional bull or ukase which, coming from that exalted body, would be accepted by the people as a pronouncement that would mark the President as a dishonored public servant.

The success of General Jackson, in his several conflicts with the combined forces of Clay, Calhoun, and Webster, together with his triumphant election over Mr. Clay in his second election, caused the great statesmen, at least Mr. Calhoun and Mr. Clay, to forget themselves, and to indulge in language unworthy the men and unbecoming the place they occupied; they seemed to be desperate, and, take it all together, resorted to most extraordinary means to destroy General Jackson.

In the first place, Mr. Clay introduced and had passed a resolution in the Senate requiring General Jackson to produce the paper which he read to his Cabinet, and which has already been published, and which, it will be remembered, was simply his views given in writing to his Cabinet about the removal of the deposits. This resolution of the Senate General Jackson answered with great dignity, but with his usual acumen and force, saying to the Senate he and his Cabinet were one department of the Government, Congress was another, and that his conference with his Cabinet was a matter with which the Senate had nothing to do; that the

Senate had no more right to his papers or to his notes used in an interview with his Cabinet than they had to a mere conversation with the Cabinet; that, in fact, it was nothing more than if he had spoken instead of having notes.

This answer was so complete and put Mr. Clay in such condition that the whole matter was dropped and nothing more done. This was all early in the first session of Congress after the second election. Failing in this, Mr. Clay took the floor in the Senate and apparently for no purpose except to make a speech, and while his speech indicated that he might have been talking about the resolutions offered in a former Congress censuring General Jackson, it was a speech running over three days, and the whole thing was a fulmination against him looking to no legislation, and nothing to come of it in a legislative way, the whole purpose being to give his views, and to get before the country his condemnation of Jackson's acts generally.

As a specimen of his speech, I give here an extract which is but a fair sample of the whole speech, to wit:

“Mr. President, when Congress adjourned at the termination of the last session, there was one remnant of its powers, that over the purse, left untouched. The two most important powers of civil government are those of the sword and purse; the first, with some restrictions, is confided by the Constitution to the Executive, and the last to the legislative department. If they are separate, and exercised by different responsible departments, civil liberty is safe; but if they are united in the hands of the same individual, it is gone. That clear-sighted and revolutionary orator and patriot, Patrick Henry, justly said in the Virginia Convention, in reply to one of his opponents: ‘Let him candidly tell me where and when did freedom exist when the sword and purse were given up from the people? Unless a miracle in human affairs interposed no nation ever retained its liberty after the loss of the sword and the

purse. Can you prove by an argumentative deduction that it is possible to be safe without one of them? If you give them up you are gone.'

"Up to the period of the termination of the last session of Congress the exclusive constitutional power of Congress over the Treasury of the United States has ever been contested. Among its earliest acts was one to establish the Treasury Department, which provided for the appointment of a Treasurer, who was required to give bond and security in a very large amount, 'to receive and keep the moneys of the United States and disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise.' Prior to the establishment of the present Bank of the United States no treasury or place had been provided or designated by law for the safe-keeping of the public moneys, but the Treasurer was left to his own discretion and responsibility. When the existing bank was established it was provided that the public moneys should be deposited with it, and, consequently, that bank became the treasury of the United States; for, whatever place is designated by law for the keeping of the public money of the United States, under the care of the Treasurer of the United States, is, for the time being, the treasury. Its safety was drawn in question by the Chief Magistrate, and an agent was appointed a little more than a year ago to investigate its ability. He reported to the Executive that it was perfectly safe. His apprehensions of its solidity were communicated by the President to Congress, and a committee was appointed to examine the subject; they also reported in favor of its security. And finally, among the last acts of the House of Representatives prior to the close of the last session, was the adoption of a resolution manifesting its entire confidence in the ability and solidity of the bank.

"After all these testimonies as to the perfect safety of

the public moneys in the place appointed by Congress, who could have supposed that the place would have been changed? Who could have imagined that, within sixty days of the meeting of Congress, and, as it were, in utter contempt of its authority, the change should have been ordered? Who would have dreamed that the Treasurer should have thrown away the single key to the treasury, over which Congress held ample control, and accepted in lieu of it some dozens of keys over which neither Congress nor he has any adequate control? Yet, sir, all this has been done; and it is now our solemn duty to inquire, first, by whose authority it has been ordered; and second, whether the order has been given in conformity with the Constitution and laws of the United States.

"I agree, sir, and I am very happy when I can agree with the President, as to the immense importance of these questions. He says, in the paper which I hold in my hand, that he looks upon the pending question as involving higher considerations than the 'mere transfer of a sum of money from one bank to another. Its decision may affect the character of our Government for ages to come.' And, with him, I view it as 'of transcendent importance, both in the principles and the consequences it involves.' It is a question of all time, for posterity as well as for us—of constitutional government or monarchy—of liberty or slavery. As I regard it I hold the bank as nothing, as perfectly insignificant, faithful as it has been in the performance of all its duties. I hold a sound currency as nothing, essential as it is to the prosperity of every branch of business and to all conditions of society, and efficient as the agency of the bank has been in providing the country with a currency as sound as ever existed and unsurpassed by any in Christendom. I consider even the public faith, sacred and inviolable as it ever should be, as comparatively nothing. All these questions are merged in the greater and mightier

question of the constitutional distribution of the powers of the Government, as affected by the recent executive innovation. The real inquiry is, shall all the barriers which have been erected by the caution and wisdom of our ancestors, for the preservation of civil liberty, be prostrated and trodden under foot, and the sword and the purse be at once united in the hands of one man? Shall the power of Congress over the Treasury of the United States, hitherto never contested, be wrested from its possession and be henceforward wielded by the Chief Magistrate? Entertaining these views of the magnitude of the question before us, I shall not, at least to-day, examine the reasons which the President has assigned for his act. If he has no power to perform it, no reasons, however cogent, can justify the deed. None can sanctify an illegal or unconstitutional act."

This speech of Mr. Clay is a speech that might have been made in prosecuting General Jackson upon an impeachment before the Senate, the House of Representatives being the prosecutor, and in this, as will be seen, was its weakness. It was the tirade of a politician, and, when read, will always be regretted by Mr. Clay's friends, and no man had more. It was simply charge after charge against General Jackson for violating the Constitution, not only in removing the deposits, but in almost everything he had done since he had been in office. The bitterness of the speaker, the severe language he used, showed the deepest personal feeling, and in his cool moments, after this debate was over—if Mr. Clay read it—he must have regretted that he so far forgot himself, and whether he read it or not, Mr. Benton's speech following it was indeed a terrific reminder. To show fully how deep seated and strong this conspiracy between the politicians to destroy General Jackson was, I now quote an extract of some length from Mr. Calhoun's speech. This speech is even more remarkable than Mr. Clay's. There is one thing notable, however, in Mr. Cal-

houn's speech, so much regard did he have for the reputation he had made as a logical and consistent public man, that in one part of the speech, standing with Mr. Clay in everything else, he felt compelled to say he did not agree with Mr. Clay in saying that General Jackson had violated the Constitution in removing the Secretary of the Treasury; but in everything else he was even more violent and bitter and had less regard for his name and the dignity of his office than Mr. Clay had. Parts of the speech I quote in the following:

"The Senator from Kentucky (Mr. Clay) anticipates with confidence that the small party, who were denounced at the last session as traitors and disunionists, will be found on this trying occasion standing in the front rank and manfully resisting the advance of despotic power. I (said Mr. Clay) heard the anticipation with pleasure, not on account of the compliment which it implied, but the evidence which it affords that the cloud which has been so industriously thrown over the character and motive of that small but patriotic party begins to be dissipated. The Senator hazarded nothing in the prediction. That the party is a determined, the fixed and sworn enemy to usurpation, come from what quarter and under what form it may, whether from the Executive upon the other departments of this Government, or from this Government on the sovereignty and rights of the States. The resolution and fortitude with which it maintained its position at the last session, under so many difficulties and dangers; in defense of the States against the encroachments of the general Government, furnish evidence not to be mistaken, that that party in the present momentous struggle would be found arrayed in defense of the rights of Congress against the encroachments of the President. And let me tell the Senator from Kentucky (said Mr. C.) that, if the present struggle against the Executive usurpation be successful, it will be owing to

the success which we, the nullifiers—I am not afraid of the word—maintain the rights of the States against the encroachment of the general Government at the last session.

“The Senator from Kentucky, in connection with this part of his argument, read a striking passage from one of the most pleasing and instructive writers in any language (Plutarch), the description of Cæsar forcing himself, sword in hand, into the treasury of the Roman Commonwealth. We are at the same stage of our political revolution, and the analogy between the two cases is complete, varied only by the character of the actors and the circumstances of the times. That was the case of an intrepid and bold warrior, as an open plunderer, seizing forcibly the treasury of the country, which, in that republic, as well as ours, was confined to the custody of the legislative department of the Government. The actors in our case are of a different character, artful, cunning, and corrupt politicians, and not fearless warriors. They have entered the treasury, not sword in hand, as public plunderers, but with the false keys of sophistry as pilferers under the silence of midnight.

“The motive and the object are the same, varied in like manner by circumstances and character. ‘With money I will get men, and with men money,’ was the maxim of the Roman plunderer. With money we will get partisans, with partisans votes, and with votes money, is the maxim of our public pilferers. With men and money Cæsar struck down Roman liberty at the fatal battle of Pharsalia, never to rise again; from which disastrous hour all the powers of the Roman Republic were consolidated in the person of Cæsar and perpetuated in his line. With money and corrupt partisans a great effort is now making to choke and stifle the voice of American liberty, through all its natural organs—by corrupting the press; by overawing the other departments, and finally by setting up a new and polluted organ, composed of office holders and corrupt partisans, under

the name of a national convention, which, counterfeiting the voice of the people, will, if not resisted, in their name dictate the succession; when the deed will be done, the revolution be completed and all the powers of our republic in like manner be consolidated in the President and perpetuated by his dictation.

“Viewing the question in its true light, as a struggle on the part of the Executive to seize on the power of Congress and to unite in the President the power of the sword and the purse, the Senator from Kentucky (Mr. Clay) said truly, and let me add, philosophically, that we are in the midst of a revolution. I cannot agree with him as to the time at which it commenced or to the point to which it has progressed. Looking to the distribution of the powers of the general government into the legislative, executive, and judicial departments, and confining his views to the encroachment of the executive upon the legislative, he states the commencement of the revolution but sixty days previous to the meeting of the present Congress. I (said Mr. Calhoun) take a wider range and date it from an earlier period. Besides the distribution among the departments of the general government, there belongs to our system another and a far more important division or distribution of power, that between the States and the general government, the reserved and delegated rights, the maintenance of which is still more essential to the preservation of our institutions.

“Taking this wide view of our political system, the revolution, in the midst of which we are, began, not as supposed by the Senator from Kentucky, shortly after the commencement of the present session, but many years ago, with the commencement of the restrictive systems, and terminated its first stage with the passage of the force bill of the last session, which absorbed all the rights and sovereignty of the States and consolidated them in this Government.

"Whilst this process was going on of absorbing the reserve powers of the States on the part of the general Government another commenced of concentrating in the Executive the powers of the other two—the legislative and judicial departments of the Government, which constitutes the second stage of the revolution, in which we have advanced almost to the termination.

"It was the separate action of the State that gave him the place to stand on, created the necessity for the adjustment, and disposed the minds of all to compromise."

Marvelous as this coalition was between Mr. Clay and Mr. Calhoun, with the purpose of putting General Jackson on trial in the Senate for "high crimes and misdemeanors," and much in earnest as they both seemed, with a clever recognition by Mr. Clay of the nullifiers of the previous session, the novelty of the scene was in the boldness of Mr. Calhoun to take advantage of the friendly coalition with Mr. Clay to turn upon his co-worker, as well as Jackson, to defend the doctrine of nullification, so recently suppressed by the President. Here is what he said:

"To the interposition of the State of South Carolina we are indebted for the adjustment of the tariff question; without it all the influence of the Senator of Kentucky over the manufacturing interest, great as it deservedly is, would have been wholly incompetent, if he had even thought proper to exert it, to adjust the question. The attempt would have prostrated him, and those who acted with him, and not the system. It was the separate action of the State that gave him the place to stand upon, created the necessity for the adjustment and disposed the minds of all to compromise."

Nothing more clearly shows the coalition between Clay and Calhoun to break the hold Jackson had on the people than Mr. Clay's silence after this unseemly and out of place daring defense of nullification by Mr. Calhoun.

The speech of Mr. Calhoun is the solitary exception to be found in his many speeches where he departed from the thread of his subject to deal in coarse epithets.

This speech of Mr. Clay is a tirade of denunciation and of repeated charges of high crimes, including violations of the Constitution as a usurper.

Mr. Webster was in full accord, but moderate in the use of language.

Besides the three great leaders the combination was strong. The bank itself was a great power, and was able to carry distress into all the business departments of the country; the political array against the President was unprecedented in point of number and great in point of ability. Besides the three eminent chiefs, there were in the Senate: Messrs. Bibb, of Kentucky; Ezekiel Chambers, of Maryland; Clayton, of Delaware; Ewing, of Ohio; Frelinghuysen, of New Jersey; Watkins Leigh, of Virginia; Mangum, of North Carolina; Poindexter, of Mississippi; Alexander Porter, of Louisiana; William C. Preston, of South Carolina; Southard, of New Jersey; Tyler, of Virginia. In the House of Representatives, besides the ex-President, Mr. Adams, and the eminent jurist from Pennsylvania, Horace Binney, there was a long catalogue of able speakers: Messrs. Archer, of Virginia; Bell, of Tennessee; Burgess, of Rhode Island; Rufus Choate, of Massachusetts; Corwin, of Ohio; Warren R. Davis, of South Carolina; John Davis, of Massachusetts; Edward Everett, of Massachusetts; Millard Fillmore, of New York, afterwards President; Robert P. Letcher, of Kentucky; Benjamin Hardin, of Kentucky; McDuffie, of South Carolina; Peyton, of Tennessee; Vance, of Ohio; Wilde, of Georgia; Wise, of Virginia; in all about thirty able speakers, many of whom spoke many times.

As an apology for the excesses of Mr. Clay and Mr. Calhoun, may be mentioned the recent defeat of Mr. Clay, he

getting only forty-nine electoral votes out of 288, with Jackson a complete triumph over the bank and over him in the Seminole war impeachment.

So completely did Mr. Clay forget himself that he turned upon the country at large, and in a letter to Mr. Brooke, said:

"You seem to think that I despond as to our public affairs.

"If you mean that I have less confidence than I formerly entertained in the virtue and intelligence of the people and in the stability of our institutions, I regret to be obliged to own it. Are we not governed now, and have we not been for some time past, pretty much by the will of one man? And do not large masses of the people, perhaps a majority, seem disposed to follow him wherever he leads, through all his inconsistencies? If that single man were an enlightened philosopher and a true patriot the popular sanction which is given to all his acts, however inconsistent or extravagant, might find some justification. But when we consider that he is ignorant, passionate, hypocritical, corrupt, and easily swayed by the base men who surround him, what can we think of the popular approbation which he receives? One thing only was wanted to complete the public degradation, and that was that he should name his successor."

While the skeleton in the Cabinet—the attempt twelve years before by Mr. Calhoun to have Jackson arrested for conduct in the Seminole war—had not been exposed by the "exposition" heretofore published, yet the facts were known and Mr. Calhoun had this grievance in his mind when he ceased to be Calhoun and dealt in vituperative epithets; but probably the manner in which Jackson had put his foot down only the year before in his attempt to correct a supposed wrong in legislation by State resistance, had more to do with the mental aberration of the great logician than all else. This was the one grievance for which he never

forgave the immortal defender of the Union, whether as its chief executive officer or the head of the army driving back the invaders.

This attack, rather the series of attacks, by the coalition embracing a trio that in point of talent and position has scarcely a parallel in history, gave Mr. Benton the opportunity of his life, to put within the files of American legislation a reply which the worshipers of Jackson will thank me for incorporating, long as it is, in full in the next chapter.

CHAPTER LIV.

NOTABLE FACTS AND STATISTICS OF THE ELECTION OF 1832
— COMPOSITION OF THE SENATE — JACKSON'S VETO OF
THE "LAND BILL"—CLAY'S RESOLUTION OF CENSURE OF
PRESIDENT JACKSON—BENTON'S FIGHT TO PASS RESOLU-
TION EXPUNGING THE RESOLUTION OF CENSURE—COM-
MENT ON BENTON'S SPEECH AND EXTRACTS FROM IT—
JACKSON'S OPPONENTS REPREHENDED AND REMOVAL OF
DEPOSITS JUSTIFIED.

IN THE last preceding Congress, in the great bank fight, Jackson's remedy was the veto, but the Senate's anti-Jackson measures were now all stopped in the House, the Jackson majority being very large. This was, indeed, a most notable change, because, as heretofore shown, the election turned upon the removal of the deposits and notice given by Jackson that he would veto any bank bill passed, the trap having been set to catch him by renewing the charter four years before it expired.

The election was notable in another respect: that was, the overwhelming majority for Jackson, who had but one friend of great power in the Senate—Mr. Benton—standing up against the three most eminent public men in many respects that this country has produced—all against him, with other strong men.

The States that voted for General Jackson were: Maine, New Hampshire, New York, New Jersey, Pennsylvania, Virginia, North Carolina, Georgia, Tennessee, Ohio, Illinois, Louisiana, Mississippi, Indiana, Alabama, and Missouri.

The States that gave a majority for Mr. Clay were:

Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, and Kentucky.

The significance of this election is emphasized by the election of Mr. Van Buren as Vice President. Mr. Van Buren carried all the States that voted for Jackson, except Pennsylvania. Pennsylvania threw away her vote on William Wilkins. The election of Mr. Van Buren is peculiarly notable, and was, perhaps, the most stinging rebuke that the three great men in the Senate and their friends had met with in all this struggle, for the reason that when General Jackson's Cabinet was broken up, which was a historic event in our country, Mr. Van Buren was immediately appointed Minister to the Court of St. James — appointed when the Congress was not in session, and before Congress met he had made himself quite popular at London; but the Senate, in pure spitefulness, had refused to confirm his nomination, and he had to return to the United States. It was on this occasion that Mr. Benton, in the Senate, turned to one of the three great statesmen and said: "You have spoiled a minister, but you have made a President," which turned out to be true.

The indignity offered Mr. Van Buren by these three eminent statesmen is one of the most remarkable events in our history. At the time they had absolute control of the Senate and refused to confirm the nomination simply because they believed Van Buren was so close to Jackson that he might, by Jackson's influence, come in their way in the future.

It was then known, and is now by the readers of American history, that Mr. Van Buren was one of the most lovable men and one of the cleanest public men that this country has ever had, and, as said by Mr. Benton on one occasion during his long term in the Senate, he never had said one single word that would give offense to a political enemy.

These great men and their friends were further exasperated that they were placed in position where they could no longer send their spiteful legislation to the President for his vetoes, and hence they resorted to fulminations in the Senate against General Jackson, which General Jackson exposed with crushing force.

During the first session of this Congress the South Carolina question came up, hereafter to be noticed; also the removal of Mr. Duane as Secretary of the Treasury, and the appointment in his place of Roger B. Taney. Between that and the short session Jackson removed the deposits; and, in the second session of this Congress, being the Twenty-Third Congress, came the most notable and the greatest political discussion that has ever taken place in the Congress of the United States. This Congress had in it a batch of men whose ability and power, as well as the bitter character of the debates, gave to the body the name of the "Star Congress."

In the Senate were Webster, Clay, Calhoun, Benton, Wright, Frelinghuysen, Southard, Clayton, Rives, Tyler, Mangum, Preston, Forsyth, Grundy, White, and Poin-dexter—a galaxy of stars. In the House were Franklin Pierce, Choate, John Quincy Adams, John Davis, Fillmore, Horace Buinney, Stephenson, Henry A. Wise, McDuffie, Richard M. Johnson, John Bell, Cave Johnson, Polk, David Crockett, Corwin, Vinton, Ewing, and C. C. Clay—all well known names. Of the members of this Congress five have been President, five Vice President, eight Secretary of State, twenty-five Governor of a State. In the House, on a test question, the administration could rely on a majority. In the Senate the opposition could command a majority which was small, but safe and sufficient.

The land bill was a favorite measure of Mr. Clay's, and the difference between him and General Jackson was radical and substantial. Mr. Clay wanted to keep up the high

price on public lands and divide the proceeds among the States. General Jackson wanted to reduce the public lands to a very low price—limited to settlers—a price that would invite settlers instead of speculators—and in that way settle up the country. Mr. Clay succeeded in passing this bill. General Jackson promptly vetoed it. In this one case the House agreed with the Senate.

Of course the final defeat of this bill by a veto intensified the feeling between the Senate and the President. Mr. Clay was now in a good humor (if bitter hostility can prepare a man for any sort of work) to bring on the fight which so distinguished this session of Congress. He did this by introducing a series of resolutions charging the President of the United States with high crimes and misdemeanors, especially including the removal of the deposits as violative of the Constitution, after displacing Mr. Duane as Secretary of the Treasury, and appointing Roger B. Taney for the special purpose. These resolutions were finally reduced to one reading, as follows:

“That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.”

This at once brought on the debate, heretofore noticed at length, with Mr. Calhoun and Mr. Clay on one side and Mr. Benton on the other. The debate lasted more than three months. It was on the passage of this resolution in the Senate that brought from Mr. Benton the most remarkable notice that was ever served upon opponents in a debate in a legislative body, to wit: That sooner or later he would expunge from the record this resolution that dishonored and disgraced America's greatest soldier. Perhaps no man in public life ever undertook to accomplish such a job. His plan was to continue the debate, send his speeches to the country, together with General Jackson's

protest, and thereby operate on the country until he changed the complexion of the Senate, by which he hoped to have a resolution passed to expunge from the record of the Senate what he called an infamous resolution. Mr. Benton kept this up for three years, and in that time made thirty speeches, and when he succeeded in changing the complexion of the Senate, as he did, the most remarkable scene occurred that has ever taken place in either house of Congress. This is to be hereafter noticed.

Mr. Benton's speeches intended, in a great measure, for the country, are by no means samples of his logical power. His great speech was, in one sense, a departure from what was usually the case with him. While it is true that he met the charges made by Mr. Clay and Mr. Calhoun, he did what lawyers sometimes do in court—turned upon the prosecutor—and, perhaps, no man ever made more of a departure from a strictly logical discussion than he did in his reply to the two great Senators, unless it was Cato, in his reply to Julius Cæsar in the Roman Senate, in the great debate on the catiline conspiracy, in which Cato, not replying to Cæsar, defeated him. Cæsar, in a speech that will be read as long as mind is appreciated, made the point that is now organic with us—that is, that no punishment shall be inflicted upon a criminal unless there was a law at the time the crime was committed prescribing the punishment. The proposition in the Senate was to put the conspirators to death. Cæsar made, perhaps, a most remarkable and thoroughly logical presentation of the question upon the ground that Rome had once had a law for capital punishment, but it had been repealed. Cato did not dispute the logic of Cæsar, but, he said, if the conspirators lived Rome must die, and it was a question of life and death.

It was true Mr. Benton did reply to the arguments and to the points made, but he turned upon the prosecutors,

Clay, Calhoun, and Webster, and held them up as violators themselves of the Constitution with a power and force that few men have been capable of. He said:

“We are, then, trying an impeachment. But how? The Constitution gives to the House of Representatives the sole power to originate impeachments; yet we originate this impeachment ourselves. The Constitution gives the accused the right to be present; but he is not here. It requires the Senate to be sworn as judges; and we are not sworn. It requires the Chief Justice of the United States to preside when the President is tried; but the Chief Justice is not presiding. It gives the House of Representatives a right to be present and to manage the prosecution; but neither the House nor its managers are here. It requires the forms of criminal justice to be strictly observed; yet all these forms are neglected and violated. It is a proceeding in which the First Magistrate of the republic is to be tried without being heard, and in which his accusers are to act as his judges.”

He dwelt particularly on the figure which the Senate would make in going on with the consideration of this resolution. It accused the President of violating the Constitution, and itself committed twenty violations of the same Constitution in making the accusation. It accused him of violating a single law, and itself violated all the laws of criminal justice in prosecuting him for it. It charged him with designs dangerous to the liberties of the citizens, and immediately trampled upon the rights of all citizens in the person of their Chief Magistrate.

The Senate were law-givers, and ought to respect the laws already made; they were the constitutional advisers of the President, and should observe, as nearly as possible, the civil relations which the office of adviser presumes. They might be his judges, and should be the last in the world to stir up an accusation against him, to prejudge his guilt, or to attack his character with defamatory language. Deco-

rum, the becoming ornament of every functionary, should be the distinguishing trait of an American Senator, who combines in his own office the united dignities of the executive, the legislative and the judicial character. In his judicial capacity especially he should sacrifice to decorum and propriety, and shun as he would the contagious touch of sin and pestilence the slightest approach to the character of the prosecutor. He referred to British parliamentary law to show that the Lords could not join in an accusation, because they were to try it; but here the Senate was sole accuser, and had nothing from the House of Representatives to join, but made the accusation out and out—tried it themselves. He said the accusation was a double one—for a high crime and a misdemeanor—and the latter a more flagrant proceeding than the former, for it assumed to know for what cause the President had dismissed his late Secretary and undertook to try the President for a thing which was not triable or impeachable.

From the foundation of the Government it had been settled that the President's right to dismiss his Secretary resulted from his constitutional obligation to see that the laws were faithfully executed. Many Presidents had dismissed Secretaries, and this was the first time that the Senate had ever undertaken to found an impeachment upon it, or had assumed to know the reason for which it was done.

The President, he repeated, was on trial for a high crime in seizing the public treasure in violation of the laws and the Constitution. Was the charge true? Did the act which he had done deserve the definition which had been put upon it? He had made up his own mind that the public deposits ought to be removed from the Bank of the United States. He communicated that opinion to the Secretary of the Treasury. The Secretary refused to remove them; the President removed him and appointed a Secretary who gave the order which he thought the occasion required.

All this he did in virtue of his constitutional obligation to see the laws faithfully executed, and in obedience to the same sense of duty which would lead him to dismiss a Secretary of War or of the Navy who would refuse to give an order for troops to march or a fleet to sail. True, it is made the duty of the Secretary of the Treasury to direct the removal of the deposits, but the Constitution made it the duty of the President to see that the Secretary performed his duty, and the Constitution was as much above law as the President was above the Secretary.

Mr. Benton took up the serious charge against the Secretary—that of being the mere instrument of the President in removing the deposits and violating the Constitution and laws of the land. Making up his mind in three days to do what others would not do at all, might be judged by every person who would refer to the opposition papers for the division in the Cabinet about the removal of deposits, and which constantly classed Mr. Taney, then the Attorney General, on the side of the removal. This classification was correct and notorious, and ought to exempt an honorable man, if anything could exempt him, from the imputation of being a mere instrument in a great transaction of which he was the prime counsellor. The fact is, he had long since, in his character of legal adviser to the President, advised the removal of these deposits; and when suddenly and unexpectedly called upon to take the office which would make it his duty to act upon his own advice, he accepted it from the single sense of honor and duty, and that he might not seem to desert the President in flinching from the performance of what he had recommended. His personal honor was clean, his personal conduct magnanimous, his official deeds would abide the test of law and truth.

Mr. Benton said he would make short work of long accusations and demolish, in three minutes, what had been concocted for three months, and delivering for three days

in the Senate. He would call the attention of the Senate to certain clauses of law and certain Treasury instructions which had been left out of view, but which were decisive of the accusation against the Secretary. The first was the clause in the bank charter, which invested the Secretary with the power of transferring the public funds from place to place. It was the fifteenth section of the charter; he would read it. It enacted that whenever required by the Secretary of the Treasury, the bank should give the necessary facilities for transferring the funds from place to place, within the United States, or territories thereof, and for distributing the same in payment of the public creditors, etc.

"Here," said Mr. Benton, "is authority to the Secretary to transfer the public moneys from place to place, limited only by the bounds of the United States and its territories, and this clause of three lines of law puts to flight all nonsense about the United States Bank being the Treasury, and the Treasurer being the keeper of the public moneys, with which some politicians and newspaper writers have been worrying their brains for the last three months. In virtue of this clause, the Secretary of the Treasury gave certain transfer drafts to the amount of \$2,250,000, and his legal right to give the draft was just as clear, under this clause of the bank charter, as his right to remove the deposits was under another clause of it. The transfer is made by draft; a payment out of the treasury is made upon a warrant, and the difference between a transfer draft and a treasury warrant was a thing necessary to be known by every man who aspired to the office of illuminating a nation, or of conducting a criminal prosecution, or even of understanding what he is talking about. They have no relation to each other. The warrant takes the money out of the treasury; the draft transfers it from point to point, for the purpose of making payment, and all this attack upon the

Secretary of the Treasury is simply upon the blunder of mistaking the draft for the warrant.

“The Senator from Kentucky calls upon the people to rise and drive the Goths from the Capitol. Who are those Goths? They are General Jackson and the Democratic party — he just elected President over the Senator himself, and the party just been made the majority in the House — all by the vote of the people. It is their acts that have put these Goths in possession of the Capitol to the discomfiture of the Senator and his friends, and he ought to be quite sure that he felt no resentment at any event so disastrous to his hopes, when he has indulged himself with so much license in vituperating those whom the country has put over him.

“The Senator from Kentucky says the eyes and the hopes of the country are now turned upon Congress. Yes, Congress is his word, and I hold him to it. And what do they see? They see one House of Congress — the one to which the Constitution gives the care of the purse and the origination of impeachments, and which is fresh from the popular elections; they see that that body with a majority above fifty in favor of the President and the Secretary of the Treasury, and approving the act which the Senator condemns. They see that popular approbation in looking at one branch of Congress and the one charged by the Constitution with inquisition into Federal grievances. In the other branch they see a body far removed from the people, neglecting its proper duties, seizing upon those of another branch, converting itself into a grand inquest and trying offenses which itself prefers, and in a spirit which bespeaks a zeal quickened by the sting of personal mortification. He says the country feels itself deceived and betrayed, insulted and wronged, its liberties endangered and the treasury robbed; the representatives of the people in the other House say the reverse of all this — that the President has saved the country from the corrupt dominion of a great corrupt-

ing bank, by taking away from her the public money which she was abusing in bribing the press, subsidizing members, purchasing the venal and installing herself in supreme political power.

“The Senator wishes to know what we are to do? What is our duty to do? I answer, to keep ourselves within our constitutional duties — to leave this impeachment to the House of Representatives — leave it to the House to which it belongs, and to those who have no private griefs to avenge, and to judges, each of whom should retire from the bench if he happened to feel in his heart the spirit of a prosecutor instead of a judge. The Senate now tries General Jackson; it is subject to trial itself — to be tried by the people, and to have its sentence reversed.”

CHAPTER LV.

JACKSON'S DEFENSE AGAINST THE RESOLUTION OF CENSURE
—JACKSON ASKS SENATE TO SPREAD HIS STATEMENT ON
ITS MINUTES—EXTRACTS FROM HIS PROTEST—HIS RIGHT
TO REMOVE SECRETARY OF TREASURY AND THE DEPOSITS
—DEFENSE OF HIS PERSONAL CHARACTER — CLOSING
PARAGRAPH OF BENTON'S SPEECH—WHAT THE "JACK-
SONIAN PERIOD" MEANS — MISAPPREHENSIONS AS TO
JACKSON'S CAREER AS PRESIDENT—JACKSON'S VETOES—
THE ELECTION OF 1836 A DISAPPOINTMENT TO JACKSON'S
OPPONENTS—THE EXPUNGING OF THE RESOLUTION CEN-
SURING PRESIDENT JACKSON—DRAMATIC FEATURES OF
THIS HISTORIC EPISODE—INEFFECTIVE OPPOSITION AND
FINAL DEFEAT OF THE "COALITION."

AFTER the passage of these resolutions, and after the discussion, or rather the attacks, upon General Jackson by Mr. Calhoun, Mr. Clay, Mr. Poindexter and others, General Jackson exhibited just what was always characteristic of him — the disposition and the courage to defend himself when attacked, so he deliberately sent to the Senate a protest and asked the Senate to spread it on the minutes that it might be preserved as his defense of his public and private character. This the Senate refused to do, and renewed the war on him for the indignity, as they said, of sending such a paper with Andrew Jackson's name to it. They refused to regard it as an official act, and the tirade of abuse was even more intense than the assault. The whole paper is a very long one, and was regarded at the time as in General Jackson's best style, and no public man had a higher sense of decency and moderation in a public paper than he. This spirit with General Jackson was exem-

plified on many occasions — more fully, perhaps, in his celebrated letter to the South Carolinians, imploring them in a friendly manner not to destroy the Union. In this protest General Jackson presented his arguments calmly, and even with greater force than had Mr. Benton, against the right of the Senate to make and try charges against him for a criminal offense without giving him notice or allowing him to be present, and without a prosecution having originated with the House, without the Chief Justice presiding; but with more force than everything else, that the Senate, which became his prosecutor, then became the judges and sat in judgment on his case. This was all done in a spirit and with a logical force that has been rare in public documents.

After presenting the argument against the right of the Senate to try him, he said, among other things:

“There are also some other circumstances connected with the discussion and passage of the resolution to which I feel it to be not only my right, but my duty, to refer. It appears by the journal of the Senate that among the twenty-six Senators who voted for the resolution on its final passage and who had supported it in debate in its original form, were one of the Senators from Maine, the two Senators from New Jersey, and one of the Senators from Ohio. It also appears by the same journal and by the files of the Senate that the Legislatures of these States had severally expressed their opinions in respect to proceedings drawn in question before the Senate. It is thus seen that four Senators have declared by their vote that the President, in the late executive proceedings in relation to the revenue, has been guilty of the impeachable offense of assuming to himself authority and power not conferred by the Constitution and law, but in derogation of both, whilst the Legislatures of their respective States had deliberately approved these very proceedings as consistent with the Constitution

and demanded by the public good. If these four votes had been given in accordance with the sentiments of the Legislatures, as above expressed, there would have been but twenty-four votes out of forty-six for censuring the President, and the unprecedented record of his conviction could not have been placed upon the journals of the Senate."

Summing up this debate so far, including the questions raised by the President, it has been established — conclusively established—that the President had a right to remove the Secretary of the treasury, by law had a right to transfer, remove, or put the public treasury anywhere he chose in the United States or in the Territories, for safe keeping; and now General Jackson, with one of the clear and concise statements of defense that he always makes, shows that to criminate him and put on the records of the Senate a censure involving him in a great offense, four Senators had to dispute the instructions of their Legislatures.

The President in his protest then proceeds:

"For the reasons which have been stated, I do hereby solemnly protest against the aforementioned proceedings of the Senate, as unauthorized by the Constitution; contrary to its spirit, and to several of its expressed provisions; subversive to that distribution of the powers of the Government which it has retained and established; discussion of the checks and safeguards by which these powers were intended, on the one hand, to be controlled, and, the other, to be protected; calculated by their immediate collateral effects, as by their character and tendency, to concentrate in the hands of a body, not directly amenable to the people, a degree of influence and power dangerous to their liberties and fatal to the Constitution of their choice.

"The resolution of the Senate contains an imputation upon my private character, as well as upon my public character, and as it must stand forever on the journals, I cannot close this substitute for the defense which I have not been

allowed to present in the ordinary form, without arguing that I have lived in vain if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person enduring memorials of that contest in which American liberty was purchased; in vain have I since periled property, family, life, in defense of the rights and privileges so dearly bought; in vain am I now, without a personal aspiration, or the hope of individual advantage, encountering responsibilities and dangers from which, by mere inactivity in relation to a single point, I might have been exempted, if any serious doubts can be entertained as to the purity of my purposes and motives."

The paragraph in this long quotation in regard to the memorials he bore on his person in the American Revolution, manifestly had reference to an incident in his life that in all my reading I have never found him to mention but once before this. That incident was a severe blow inflicted on his head by a British officer because he refused to black his boots when a mere boy, the consequence being imprisonment in jail for many months. The only other case where I have found in all his life that he referred to this was one time when he was President and some one of his enemies made a violent, vituperative, outrageous assault upon his character, dishonoring his name as a soldier and a citizen. At the time he got the information some gentlemen were standing by him, including his friend, Frank Blair, when he made this single reply to this insult. Taking hold of Blair's hand, he put it up on top of his head and said: "Blair, put your hand there, and feel the scar that I have carried from boyhood and shall carry to my grave as a mark of having had something to do with the American Revolution." Blair put his hand on top of his head where the great gash still remained so he could lay his finger in it.

He continued: "If I had been ambitious, I should have

sought an alliance with that powerful institution, which even now aspires to no divided empire. Had I preferred personal comfort and official ease to the performance of my arduous duty, I should have ceased to molest it. In the history of conquerors and usurpers, never, in the fire of youth nor in the vigor of manhood, could I find an attraction to lure me from the path of duty; and now, I shall scarcely find an inducement to commence the career of ambition, when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds where conquerors cease to be honored and usurpers expiate their crimes.

“The only ambition I can feel is to acquit myself to him to whom I must soon render an account of my stewardship, to serve my fellow men, and to live respected and honored in the history of my country. No, the ambition which leads me on is an anxious desire and a fixed determination to return to the people, unimpaired, the sacred trust they have confided to my charge—to heal the wounds of the Constitution and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid government, supported by powerful monopolies and aristocratical establishments, that they will find happiness or their liberties protected, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings like the dews of heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires, such a one only under which our States may remain for ages to become united, prosperous and free. If the Almighty Being who has hitherto sustained and protected me will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure the place to be assigned me in the history of my country and die contented with the belief that I have contributed in some

small degree to increase the value and prolong the duration of American liberty.

“To the end that the resolution of the Senate may not be hereafter drawn into precedent, with the authority of silent acquiescence on the part of the Executive Department, and to the end, also, that my motives and views in the executive proceedings denounced in that resolution may be known to my fellow citizens, to the world, and to all posterity, I respectfully request that this message and protest may be entered at length on the journals of the Senate.”

This is truly pathetic.

After the protest the discussion was continued with increased virulence for a considerable time, leading men on both sides taking a hand. Mr. Benton closed a long speech with the following statement:

“It was in vain to say there could be no object at this time in annihilating the political influence of President Jackson and killing him off as a public man, with a senatorial conviction for violating the laws and Constitution of the country. Such an assertion, if ventured upon by any one, would stand contradicted by facts, of which Europe and America are witnesses. Does he not stand between the country and the bank? Is he not proclaimed the sole obstacle to the recharter of the bank; and in its recharter is there not wrapped up the destinies of a political party, now panting for power? Remove this sole obstacle — annihilate its influence — kill off President Jackson with a sentence of condemnation for a high crime and misdemeanor — and the charter of the bank will be renewed and in its renewal a political party now thundering at the gates of the Capitol will leap into power. Here, then, is an object for desiring the extinction of the political influence of President Jackson! An object large enough to be seen by all America, and attractive enough to enlist the combined interests of a great moneyed power and political party.”

Before closing up the episode, or rather the culmination of the bank question in all its ramifications, and which ended in a scene — a play — that will some day be put on the boards, let me make a hasty review.

With a real artist nothing in American history will strike the popular mind more than the end of this conflict between General Jackson on one side, and the big men in the Senate on the other.

There has lately been a book written, styled "The Jacksonian Period," which, though not written with care, is from start to finish a sensation. I shall turn back and briefly review the Jacksonian period. This will throw much light, together with the ending, on the period referred to, commencing in 1828 and ending in 1837. The writer of this book might well have commenced the Jacksonian period with his entrance into Tennessee in the spring of 1788, leading a pack-horse and with a pack of hounds following him, and ending with his death (a scene of deepest interest) in 1845. In his history from the time he came into Tennessee until his death there was scarcely a day that he was not a figure, his steps marked by some notable act. No entire life of a public man that I have read is so full of matter from start to finish as the life of Andrew Jackson. In fact, the writer might have gone back to his birth and to his boyhood, to the death of all the members of his family, to the assault made on him by a British officer, and to his imprisonment in jail, and to his acquiring considerable education which nobody knows how or under what circumstances. Truly, his birth was a tragedy, his life a romance, and his death a triumph.

But coming to what is termed by modern writers the Jacksonian period, there isn't an incident in his life, after the battle of New Orleans in 1815, that may not be read with interest; in fact, before the battle of New Orleans, that may not be read with interest; in fact, before

the battle of New Orleans he had been a success as a lawyer, and while Mr. Parton denies this, he shows facts that prove he was. He had quite a success as a merchant; he had credit in Philadelphia when quite a young man that no other Tennessean had. He accumulated a fortune rapidly, and when he died he was the owner of several plantations and 150 slaves.

Stopping here for a time in the history of the bank question, I will notice some of the misapprehensions as to General Jackson's career as President.

It was said and constantly proclaimed by his enemies that he had vetoed more bills than all the Presidents before him, and certainly he did make some reputation in this line. This would seem to indicate — and otherwise it would seem inexplicable — that he and the Congress of the United States were all the time running on different lines, because to veto a bill he and Congress must have been at issue, while the facts are that the Senate was in opposition until the last election before he went out of office. This came from the power and influence of the great Senators, who were personally unkind in their feelings and deeply prejudiced against General Jackson — a prejudice that sprang out of jealousy and ambition. Without explanation it is difficult to see how the President became a great veto President, when at every election from 1828 to 1836, including two elections in which he was not a candidate and one election which he controlled afterwards when Mr. Van Buren was elected — in every one of the five elections a majority of Jackson men were elected to the lower House of Congress, so that, in every single election it appeared by the votes at the ballot-box that the people were for Jackson.

The seeming conflict between Jackson and Congress so as to make it necessary for him to veto bills was mainly while the disintegration of parties was taking place. To be concise and to show how this came about, in 1829, when the

Congress elected in 1828 met to organize, Andrew Stevenson, an out-and-out Jackson man, was elected Speaker of the House, which election showed a very large majority of Jackson men. This was the Twenty-first Congress. Mr. Stevenson was then elected Speaker as a Jackson man at the Twenty-second and Twenty-third Congresses.

Soon after the election of Mr. Stevenson as Speaker of the House in 1835, the President appointed him Minister to the Court of St. James, and on his resignation Mr. Bell, of Tennessee, then a Jackson man, was elected Speaker. It was during Mr. Bell's term of Speaker that the political storm was raging, changes taking place, new parties forming, and in the change Mr. Bell himself changed and took part in the passage of several bills that Jackson vetoed.

At the end of Mr. Bell's term, which was in 1837, when Mr. Van Buren was elected President, the Jackson men controlled the country and again elected a Jackson and Van Buren House of Representatives, and Mr. Polk, a Tennessean, was elected Speaker over Mr. Bell; so that every single popular election from 1828 until after Jackson's term expired and Mr. Van Buren was elected, showed that while the House of Representatives was sometimes in great commotion and the Senate, far removed from the people, was fighting Jackson, he was still in the hearts of the people, and they were for him, no matter what the House or the Senate did.

The election in 1836 not only surprised but actually stung the great leaders. There was much in that election to give Mr. Calhoun, Mr. Clay, and Mr. Webster discomfort: First, the election of Mr. Van Buren, against whom they had exhibited spite and power in an attempt to destroy him in a manner only less vindictive than in their attacks on General Jackson, and his election as President by a large majority, and the election of a Jackson House of Representatives; and then when the Legislatures of the several

States met, the overwhelming and crushing defeat to the three great statesmen by the election of a Jackson Senate. This was really the culmination of a seven years' struggle, commencing with Jackson's first message against the bank and ending with the fulfillment of Benton's prediction that he would expunge the offensive and, as he sometimes said, infamous resolution of Mr. Clay.

It was particularly crushing to the trio of statesmen, because during the canvass Mr. Van Buren had been asked in a formal way if he was for expunging the resolutions of censure, and he had answered in the most positive manner that he was; and so, to some extent, his election turned upon that question. He had in a formal letter declared that the Senate had a right to expunge the resolutions and it was due to General Jackson that it should be done.

It was three years before, when the resolutions passed, that Mr. Benton announced, standing up in the Senate, that these resolutions would be expunged. The proposition was so new and so daring that not a single Senator stood by him at that time, and his great opponents laughed at the proposition, but Benton was wiser than they. At every new session of Congress he renewed the resolutions that he had offered at the time these resolutions of censure were passed; he would renew his resolution at the meeting of Congress, make a speech, and lay the resolution on the table. It was the finest exhibition of pluck and perseverance that has been seen in civil life. His whole plan was — and in this he was much aided by General Jackson's protest — to bring before the American people the resolutions of censure, believing as he did that if the American people came to understand the injustice, the bitterness, the prejudice and the jealousy of the Senate toward General Jackson, they would sooner or later compel their representatives — the Senators — to undo what they had done.

Mr. Benton had wonderfully the advantage in this long

discussion, not only after the resolutions of censure were passed, but before, in that he established that this was an impeachment by the Senate without any prosecution by the House and without the Chief Justice presiding — in other words, it was an unlawful combination in the Senate to discuss and degrade the President, and in thirty speeches he had put this question before the American people, he had caused General Jackson's protest to be circulated, and by degrees he moved up on the enemies of General Jackson, changing one by one the Senators until there was sufficient political mortality to change the Senate, so that his enemies for the first time waked up to the fact that he was going to do what they called a diabolical deed — expunge their resolutions.

Saturday, the 14th of January, the Democratic Senators agreed to have a meeting and to take final measures for passing the expunging resolution. They knew they had the numbers, but they also knew that they had adversaries to grapple with to whom might be applied the proud motto of Louis XIV: "Not an unequal match for numbers." They also knew that members of the party were in the process of separating from it and would require conciliating. They met in the night at the then famous restaurant of Boulanger, giving to the assemblage the air of a convivial entertainment. It continued until midnight, and required all the moderation, tact and skill of the prime movers to obtain and maintain the union upon details, on the success of which the fate of the measure depended. The men of conciliation were to be the efficient men of that night, and all the winning resources of Wright, Allen, of Ohio, and Linn, of Missouri, were put into requisition. There were serious differences upon the mode of expurgation, while all agreed upon the thing; and finally obliteration, the favorite of the mover, was given up and the mode of expurgation adopted which had been proposed in the resolutions of the

General Assembly of Virginia — namely, to enclose the obnoxious sentence in a square of black lines, an oblong square, a compromise of opinions to which the mover agreed, upon condition of being allowed to compose the epitaph, "Expunged by order of the Senate." The agreement which was to lead to victory was then adopted, each one severally pledging himself to it that there should be no adjournment of the Senate after the resolution was called until it was passed, and that it should be called immediately after the morning business on the Monday evening. Expecting a protracted session, extending through the day and night, and knowing the difficulty of keeping men steady to their work and in good humor when tired and hungry, the mover of the proceeding took care to provide as far as possible against such a state of things, and gave orders that night to have an ample supply of cold ham, turkeys, rounds of beef, pickles, wines and cups of hot coffee ready in a certain committee room near the Senate Chamber by 4 o'clock on the afternoon of Monday.

The motion to take up the subject was made at the appointed time, and immediately a debate of long speeches, chiefly on the other side, opened itself upon the question. It was evident that consumption of time, delay and adjournment was their plan. The three great leaders did not join in the opening, but their places were well supplied by many of their friends, able speakers — some effective, some eloquent — Preston, of South Carolina; Richard H. Bayard and John M. Clayton, of Delaware; Crittendon, of Kentucky; Southard, of New Jersey; White, of Tennessee; Ewing, of Ohio. They were only the half in number, but strong in zeal and ability, that commenced the contest three years before, reinforced by Mr. White, of Tennessee. As the darkness of approaching night came on and the great chandelier was lit up, splendidly illuminating the chamber, then crowded with the members of the House, and the

lobbies and galleries filled to their utmost capacity by visitors and spectators, the scene became grand and impressive. A few spoke on the side of the resolution, chiefly Rives, Buchanan and Niles, and with an air of ease and satisfaction that bespoke a quiet determination and a consciousness of victory. The committee room had been resorted to in parties of four and six at a time, always leaving enough on watch, and it was not resorted to by one side alone. The opposition were invited to a full participation — an invitation of which those who were able to maintain their good temper readily availed themselves — but the greater part were not in a humor to eat anything, especially at such a feast. The night was wearing away; the expungers were in full force — masters of the chamber — happy, and visibly determined to remain. It became evident to the great opposition leaders that the inevitable hour had come, that the “damnable deed” was to be done that night, and that the dignity of silence was no longer to them a tenable position. The battle was going against them, and they must go into it without being able to re-establish it. In the beginning they had not considered the expunging movement a serious proceeding; as it advanced they still expected it to miscarry on some point; now the reality of the thing stood before them, confronting their presence, and refusing to “down” at any command. They broke silence and gave vent to language which bespoke the agony of their feelings and betrayed the revulsion of stomach with which they approached the odious subject.

CHAPTER LVI.

BENTON'S SPEECH PRECEDING THE VOTE TO EXPUNGE THE SENATE'S RESOLUTION CENSURING JACKSON — CALHOUN'S SPEECH ON THE SAME OCCASION — SCENES IN THE SENATE — THE ACT OF EXPUNGING — UPROARIOUS BEHAVIOR IN THE GALLERIES — BENTON'S ACCOUNT OF THIS EPISODE—BENTON'S CHARACTERIZATION OF JACKSON — PARTON ON JACKSON'S SOUTH CAROLINA PROCLAMATION.

WHEN all was anxiety and the final hour had come, Mr. Benton arose and said :

“Mr. President: It is now three years since the resolve was adopted by the Senate which it is my present motive to expunge from the journal. At the moment that this resolve was adopted I gave notice of my intention to move to expunge it, and then expressed my confident belief that the motion would eventually prevail. That expression of confidence was not an ebullition of vanity or a presumptuous calculation, intended to accelerate the event it affected to foretell. It was not a vain boast or an idle assumption, but was the result of a deep conviction of the injustice done President Jackson and a thorough reliance upon the justice of American people. I felt that the President had been wronged, and my heart told me that this wrong would be redressed. The event proves that I was not mistaken. The question of expunging this resolution has been carried to the people and their decision has been had upon it. They decide in favor of the expurgation, and their decision has been both made and manifested and communicated to us in a great variety of ways. A great number of States have

expressly instructed their Senators to vote for this expurgation. A very great majority of the States have elected Senators and Representatives to Congress upon the express ground of favoring its expurgation. The Bank of the United States, which took the initiative in the accusation against the President and furnished the material and worked the machinery which was used against him, and which was then so powerful on this floor, has become more and more odious to the public mind, and musters now but a slender phalanx of friends in the two Houses of Congress. The late presidential election furnishes additional evidence of public sentiment. The candidate who was the friend of President Jackson, the supporter of his administration, and the avowed advocate for the expurgation, has received a large majority of the suffrages of the whole Union, and that after an express declaration of his sentiments on this precise point. The evidence of the public will, exhibited in all these forms, is too manifest to be mistaken, too explicit to require illustration, and too imperative to be disregarded. Omitting details and specific enumeration of proofs, I refer to our own files for the instructions to expunge, to the complexion of the two Houses, for the temper of the people, to the denationalizing condition of the Bank of the United States, for the fate of the imperious accuser, and to the issue of the presidential election for the answer of the Union. All these are pregnant proofs of the public will, and the last pre-eminently so, because both the question of the expurgation and the form of the process was directly put in issue upon it. A representative of the people from the State of Kentucky formally interrogated a prominent candidate for the presidency on these points and required a public answer for the information of the public mind. The answer was given and published and read by all the voters before the election, and I deem it right to refer to that answer in this place, not only as evidence of the points put

in issue, but also for the purpose of doing more ample justice by President Jackson by incorporating into the legislative history of this case the high and honorable testimony in his favor of the eminent citizen, Mr. Van Buren, who has just been exalted to the lofty honors of the American presidency. He said :

“ ‘Your last question seeks to know “my” opinion as to the constitutional power of the Senate or House of Representatives to expunge or obliterate from the journals the proceedings of a previous session. You will, I am sure, be satisfied, upon further consideration, that there are but few questions of a political character less connected with the duties of the office of President of the United States, or what might not with equal propriety be put by an elector to a candidate for that station than this. With the journals of neither house of Congress can he properly have anything to do. But as your choice has doubtless been induced by the pendency of Colonel Benton’s resolution to expunge from the journals of the Senate certain other resolutions touching the official conduct of General Jackson, I prefer to say that I regarded the passage of Colonel Benton’s preamble and resolutions to be an act of justice to a faithful and greatly injured public servant, not only constitutional in itself, but imperiously demanded by a proper respect for the well-known will of the people.’ ”

Mr. Benton proceeded :

“I do not propose, sir, to draw violent, unwarranted or strained inferences. I do not assume to say that the question of this expurgation was a leading or a controlling point in the issue of this election. I do not assume to say or insinuate that every individual and every voter delivered his suffrage with reference to this election. Doubtless there were many exceptions. Still, the triumphant election of the candidate who had expressed himself in the terms just quoted, and who was, besides, the personal and polit-

ical friend of President Jackson and the avowed approver of his administration, must be admitted to a place among the proofs in this cause and ranked among the high concurring evidences of the public sentiment in favor of the motion which I make.

“Assuming, then, that we have ascertained the will of the people on this great question, the inquiry presents itself, how far the expression of that will ought to be conclusive of our action here. I hold that it ought to be binding and obligatory upon us, and that not only upon the principle of representative government, which requires obedience to the known will of the people, but also in conformity to the principles upon which the proceeding against General Jackson was conducted when the sentence against him was adopted; then everything was done with special reference to the will of the people. Their impulses was assumed to be the sole motive to action, and to them the ultimate verdict was expressly referred. The whole machinery of alarm and pressure — every engine of political and moneyed power — was put in motion and worked for many months to excite the people against the President and to stir up meetings, memorials, petitions, traveling committees, and distress deputations against him; and each symptom of popular discontent was hailed as an evidence of public will and quoted here as proof that the people demanded the condemnation of the President. Not only legislative assemblies and memorials from large assemblies were then produced here as evidence of public opinion, but the petition of boys under age, the remonstrances of a few signers and the results of the most inconsiderable elections, were ostentatiously paraded and magnified as the evidence of the sovereign will of our constituents. Thus, sir, the public voice was everything while that voice, partially obtained through political and pecuniary machinations, was adverse to the President. Then the popular will was the shrine at which

all worshiped. Now, when that will is regularly, soberly, repeatedly and almost universally expressed through the ballot-boxes at the various elections and turns out to be in favor of the President, certainly no one can disregard it nor otherwise look at it than as the solemn verdict of the competent and ultimate tribunal upon an issue fairly made up, fully argued and duly submitted for decision. As such verdict I receive it. As the deliberate verdict of the sovereign people I bow to it. I am content. I do not mean to reopen the case nor to recommence the argument. I leave that work to others, if any others choose to perform it. For myself I am content; and, dispensing with further argument, I shall call for judgment and ask to have execution done upon that unhappy journal which the verdict of millions of freemen finds guilty of bearing on its face an untrue, illegal and unconstitutional sentence of condemnation against the approved President of the republic."

But Mr. Calhoun must have a final say. The night was wearing away. The last thing done before the curtain rose was a speech made by Mr. Calhoun. It did not contain the epithets and was not loaded down with denunciations as his speeches had been during the discussion. The speech was simply the work of an infuriated man unloading himself. An extract from it will give the reader some idea of the character of this debate up to this time. Mr. Calhoun said:

"But why should I detain the Senate or needlessly waste my breath in fruitless expurgation? The decree has gone forth. It is one of urgency, too. The deed is to be done—the foul deed which, like the blood-stained hands of the guilty Macbeth, all ocean's waters will never wash out. Proceed, then, with the noble work which lies before you, and like other skillful executioners, do it quickly, and when you have perpetrated it go home to the people and tell them what glorious things you have achieved for our common country. Tell them that you have exterminated one of the brightest

and purest lights that ever burned at the altar of civil liberty ; tell them that you have silenced one of the noblest batteries that ever thundered in defense of the Constitution, and bravely spiked the cannon ; tell them that henceforward, no matter what daring or outrageous act any President may perform, you have forever hermetically sealed the mouth of the Senate ; tell them that he may fearlessly assume what power he pleases—snatch from its lawful custody the public press, command the military detachment to enter the halls of the Capitol over all Congress, trample down the Constitution and raze every bulwark of freedom—but that the Senate must stand mute in silence and not dare to raise its opposing voice ; that it must order until the House of Representatives, humbled and subdued like itself and a majority of it composed of the partisans of the President, show articles of impeachment ; tell them finally that you have restored the glorious doctrine of passive obedience and non-resistance, and if the people had not poured out their indignities and implications, I have yet to learn the character of American freemen.”

This was the closing speech before the curtain rose, and shows Mr. Calhoun, great as he was, to be absolutely frenzied, enraged, because Mr. Benton insisted that an impeachment should originate in the House of Representatives and be presided over by the Chief Justice, and that the Senate could not afford to be prosecutors and judges.

The two great statesmen of the day—Mr. Webster taking part with them—in this entire debate so far forgot themselves as to indulge in epithets, vituperative, coarse language never before or since heard in the United States Senate. When the curtain rose upon this scene it was perhaps in all respects the most notable event ever witnessed in either house of Congress since the Government was organized. It was notable because of the lookers-on, the character of the people and the packed galleries, brought there by the bank to overawe and intimidate the Senate by their hisses and jeers. It

was notable in another respect—the calm, dignified, quiet, gentlemanly demeanor of General Jackson's friends and the angry, sullen, sour looks of the great defeated.

The time had come—the thing was to be done that not a man of them three years before, when Mr. Benton proclaimed he would do it, had any respect for his proposition and regarded the whole thing as the frenzy of an enthusiast of General Jackson's. There was more in the scene at the time than can be described, except by relating some of the incidents. All the signs pointed to violence and disturbance that might be of a serious nature. This was so apparent that Mr. Linn, colleague of Senator Benton, George W. Jones, afterwards Senator from Iowa, with others, silently went away and armed themselves for what they believed was coming. Mrs. Benton was nearby and was allowed to stand near her distinguished husband at the time the expurgation was to take place. She knew what had been done and what efforts had been made to destroy General Jackson, and she now believed that the bank mob was as furious and vicious in its hate and spite toward Mr. Benton as it had been toward General Jackson. Many of the Senators were on their feet, consciously secure, with a purpose to take whatever came, manifest in the faces of Mr. Benton and his friends.

A scowl of indignation rolled across the faces of Mr. Calhoun and his followers in the Senate, and the whole was a scene never witnessed before in any legislative body.

The resolution having been passed, Mr. Benton called for the execution of the Senate's order. The Secretary of the Senate, with a large pen that had been prepared, began the work of expunging, drawing heavy black lines, making a square around the fated resolution. Instantly a storm of hisses, groans, and vociferations arose from the left wing of the circular gallery which was immediately over the head of Mr. Benton. The rabble that had been sent there by the

bank had been instructed to put themselves where they could offer—standing right over him—the indignity of their jeers and hisses. When this began the presiding officer promptly gave the order to have the galleries cleared. Mr. Benton, knowing that this was an indignity which really came from the bank, immediately stood up and said :

“I hope the galleries will not be cleared, as many innocent persons will be excluded who have been guilty of no violation of order. Let the ruffians who have made the disturbance alone be punished. Let them be apprehended. I hope the Sergeant-at-Arms will be directed to enter the gallery and seize the ruffians, ascertaining who they are in the best way he can. Let him apprehend them and bring them to the bar of the Senate. Let him seize the bank ruffians. I hope that they will not now be suffered to insult the Senate, as they did when it was under the power of the Bank of the United States, when ruffians with arms upon them insulted us with impunity. Let them be taken and brought to the bar of the Senate. Here is just one above me that may be shortly identified—the bank ruffians.”

This is one of the bravest speeches ever made by any man in a legislative body, and Jackson himself never did a bolder thing.

Those voting for the resolution were: Messrs. Benton, Brown, Buchanan, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Tipton, Walker, Wall, Wright.

Those voting against the resolution were: Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio; Hendricks, Kent, Knight, Moore, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White.

Mr. Benton in his “Thirty Years in the Senate,” closes up this tragic but heroic scene in the following words :

“Mr Benton knew that he was the object of this outrage,

and that the way to treat these subaltern wretches was to defy and seize them and have them dragged as criminals to the bar of the Senate. They were congregated immediately over his head and had evidently collected into that place. His motion was agreed to. The order to clear the galleries was revoked, the order to seize the disturbers was given and immediately executed by the energetic Sergeant-at-Arms, John Shackford, and his assistants. The ringleader was seized and brought to the bar. This sudden example intimidated the rest, and the expunging process was performed in quiet. The whole scene was impressive, but no part of it so much as to see the great leaders who for seven years had warred upon General Jackson, and a thousand times pronounced him ruined, each rising in his place with pain and reluctance to confess themselves vanquished, to admit his power and their weakness, and to exhale their griefs in unavailing reproaches and impotent deprecations. It was a tribute to his invincibility which cast into the shade all the eulogiums of his friends. The gratification of General Jackson was extreme. He gave a grand dinner to the expungers (as they were called) and their wives, and being too weak to sit at the table, he only met the company, placed the 'head expunger' in his chair, and withdrew to his sick chamber. That expurgation! It was the crowning mercy of his civil as New Orleans had been of his military life."

At this period in the history of this wonderful and much misunderstood man I cannot do better than to give a sketch of him from the pen of Mr. Benton after the "fitful fever of life was over" with the great American. Of all Americans Mr. Benton was the best prepared to sketch his life. He had known him as a judge on the bench of the Supreme Court of Tennessee; he was a colonel under him in the army; he was a constant visitor at the Hermitage; he had been engaged in a bloody, personal conflict with him, after which they became friends; he had served with him in the United States

Senate; he had been his friend, defender, and confidant during the entire eight years of his Presidency. This sketch, if they believe Colonel Benton, will be a revelation to such prejudiced writers as Henry Cabot Lodge and Carl Schurz, who, following Mr. Parton, make General Jackson a backwoodsman, with the habits of a ruffian, ignorant and illiterate. In this sketch Mr. Benton says:

“His temper was placable as well as irascible, and his reconciliations were cordial and sincere. Of that my own case was a single instance. After a deadly feud I became his confidential adviser; was offered the highest marks of his favor, and received from his dying bedside a message of friendship, dictated when life was departing and when he would have to pause for breath. There was a deep-seated vein of piety in him, unaffectedly showing itself in his reverence for divine worship, respect for the ministers of the gospel, their hospitable reception in his house, and constant encouragement of all the pious tendencies of Mrs. Jackson. And when they both afterwards became members of the church, it was the regular and natural result of their early and cherished feelings. He was gentle in his house and alive to the tenderest emotions; and of this I can give an instance greatly in contrast with his supposed character and worth more than a long discourse in showing what that character really was.

“I arrived at his house one wet, chilly evening in February and came upon him in the twilight, sitting alone before the fire, a lamb and a child between his knees. He started a little, called the servant to remove the two innocents to another room, and explained to me how it was. The child had cried because the lamb was out in the cold and begged him to bring it in, which he had done to please the child, his adopted son, then not two years old. The ferocious man does not do that, and though Jackson had his passions and his violence, they were for men and enemies—those who stood up against

him—and not for women and children or the weak and helpless, for all of whom his feelings were those of protection and support.

“His hospitality was active as well as cordial, embracing the worthy in every walk of life, and seeking out deserving objects to receive it, no matter how obscure. Of this I learned a characteristic instance in relation to the son of the famous Daniel Boone. The young man had come to Nashville on his father’s business, to be detained some weeks, and had his lodgings at a small tavern toward the lower part of the town. General Jackson heard of it, sought him out, found him, took him home to remain as long as his business detained him in the country, saying: ‘Your father’s dog should not stay in a tavern where I have a house.’ This was heart, and I had it from the young man himself long after, when he was a State Senator of the General Assembly of Missouri.

“Abhorrence of debt, public and private, dislike of banks and love of hard money, love of justice and love of country, were ruling passions with Jackson, and of these he gave constant evidence in all the situations of his life. Of private debts he contracted none of his own and made any sacrifices to get out of those incurred for others. Of these he gave a signal instance not long before the war of 1812, selling the improved part of his estate, with the best buildings of the country upon it, to pay a debt incurred in a mercantile adventure to assist a young relative, and going into log houses in the forest to begin a new home and farm. He was living in these rude tenements when he vanquished the British of New Orleans. Probably a view of their conqueror’s domicile would have astonished the British officers as much as their defeat had done.

“He was attached to his friends and to his country, and never believed any report to the discredit of either until compelled by proof. He would not believe in the first reports of

the surrender of General Hull, and became sad and oppressed when forced to believe it. He never gave up a friend in a doubtful case or from policy or calculation. He was a firm believer in the goodness of a superintending Providence and in the eventual right judgment of the people. I have seen him at the most desperate part of his fortunes and never saw him waver in the belief that all would come right in the end. In the time of Cromwell he would have been a puritan.

"The character of his mind was that of judgment, with a rapid and almost intuitive perception, followed by an instant and decisive action. It was that which made him a General and a President for the time in which he served. He had vigorous thoughts, but not the faculty of arranging them in a regular composition, either written or spoken; and in formal papers he usually gave his draft to an aid, a friend or a secretary to be written over, often to the loss of vigor. But the thoughts were his own vigorously expressed and without effort, writing with a rapid pen and never blotting or altering, but, as Carlyle says of Cromwell, hitting the nail upon the head as he went. I have a great deal of his writing now, some on public affairs and covering several sheets of paper, and no erasures or interlineations are anywhere. His conversation was like his writing, a vigorous, flowing current, apparently without the trouble of thinking, and always impressive. His conclusions were rapid and immovable when he was under strong convictions, though often yielding on minor points to his friends. And no man yielded quicker when he was convinced, perfectly illustrating the difference between firmness and obstinacy. Of all the Presidents who have done me the honor to listen to my opinions, there was no one to whom I spoke with more confidence when I felt myself strongly to be in the right.

"There was an innate, unvarying, self-acting delicacy in his intercourse with the female sex, including all woman-

kind; and on that point my personal observation (and my opportunities for observation were both large and various) enabled me to join in the declaration of the belief expressed by his earliest friend and most intimate associate, the late Judge Overton, of Tennessee. The Roman General won an immortality of honor by one act of continence; what praise is due to Jackson, whose whole life was continent? I repeat: If he had been born in the time of Cromwell, he would have been a puritan. Nothing could exceed his kindness and affection to Mrs. Jackson, always increasing in proportion as his elevation and culminating fortunes drew cruel attacks upon her. I knew her well, and that a more exemplary woman in all the relations of life—wife, friend, neighbor, relative, mistress of slaves—never lived and never presented a more quiet, cheerful, and admirable manager of her household. She had no education, but she had a heart, and a good one, and that was always leading her to do kind things in the kindest manner. She had the General's own warm heart, frank manners, and hospitable temper, and no two persons could have been better suited to each other, lived more happily together, or made a house more attractive to visitors."

While the character, the mental force and power of directing it so as to make available in any and every direction, as given by Mr. Benton in the foregoing sketch, needs no confirmation with all who know who and what Mr. Benton was, especially as a truthful historian, yet so determined have been the enemies of General Jackson to make him an ignorant backwoodsman, incapable of writing the great State papers signed by him, and in addition to what Mr. Benton says on this subject, I make the following extract from Mr. Parton. Parton's statement may well be taken as a confession. General Jackson had just sent his message of 1832 to Congress. This is what Mr. Parton says:

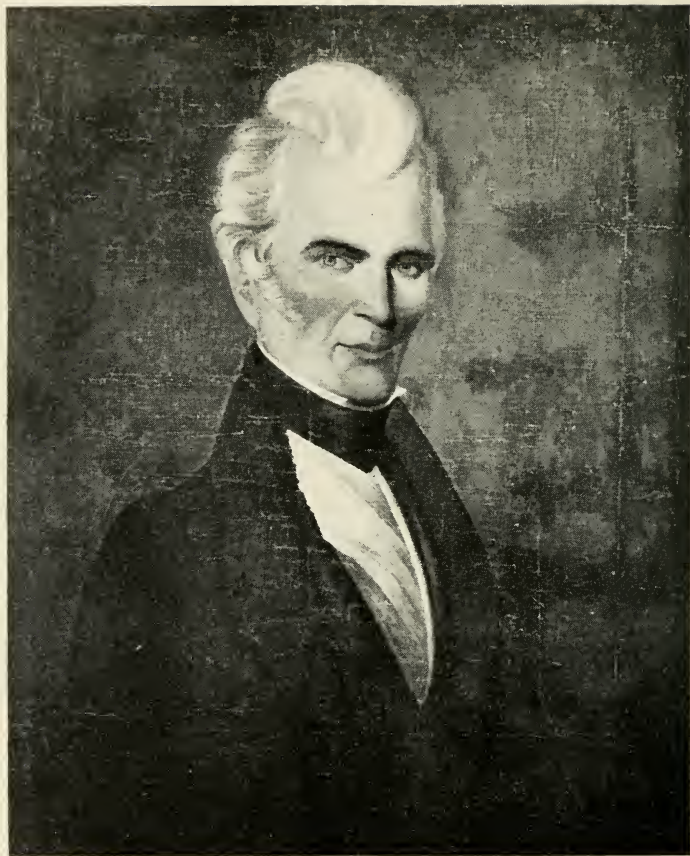
"While Congress was listening to this calm and suggest-

ive message the President was absorbed in the preparation of another document and one of a very different description. A pamphlet containing the proceedings of the South Carolina convention reached him on one of the last days of November. It moved him profoundly, for this fiery spirit loved his country as few men have loved it. Though he regarded those proceedings as the fruit of John C. Calhoun's treasonable ambition and treasonable resentment, he rose, on this occasion, above personal considerations and conducted himself with that union of daring and prudence which had given him such signal success in war. He went to his office alone and began to dash off page after page of the memorable proclamation which was soon to electrify the country. He wrote with that great steel pen of his and with such rapidity that he was obliged to scatter the written pages all over the table to let them dry. A gentleman who came in when the President had written fifteen or twenty pages, observed that three of them were glistening with wet ink at the same moment. The warmth, the glow, the passion, the eloquence of that proclamation were produced then and there by the President's own hand.

"Major Lewis writes to me: 'Mr. Livingston took the papers to his office, and in the course of three or four days brought the proclamation to the General and left it for his examination. After reading it, he came into my room and remarked that Mr. Livingston had not correctly understood his notes; there were portions of the draft, he added, which were not in accordance with his views and must be altered. He then sent a messenger for Mr. Livingston, and when he came pointed out to him the passages which did not represent his views, and requested him to take it back with him and make the alterations he had suggested. This was done, and the second draft being satisfactory, he ordered it to be published. I will add that before the proclamation was sent to press to be published, I took the liberty of suggesting to

the General whether it would not be best to leave out that portion to which I was sure the State rights party would particularly object. He refused. "Those are my views," said he, with great decision of manner, "and I will not change them nor strike them out." " "





WM. H. CARROLL,
TWELVE YEARS GOVERNOR OF TENNESSEE,
JACKSON'S INDISPENSABLE ASSISTANT.

CHAPTER LVII.

JACKSON'S VIEWS ON SECESSION—HIS TOAST, "OUR FEDERAL UNION: IT MUST BE PRESERVED"—HIS PROCLAMATION ON NULLIFICATION.

THOUGH this is not the final chapter of the book, it has been reserved for the last writing. General Jackson's views on secession as a right under the Constitution, and as to its feasibility and the possibility of a federation with independent states with no common tribunal or umpire to determine controverted powers, were so radically different from the views of Southern leaders at a later period in our history, that in writing his life I deferred the chapter on the Nullification ordinance of South Carolina and his proclamation in reference to it.

General Jackson, in peace as well as in war, was accommodating only to an enlightened conscience, and in this delicate matter I have sought only to ascertain what views he had on the relations between the Federal Union and the States, with little concern as to sectional issues, anxious to write a true life of Andrew Jackson.

As early as 1830—at a birthday dinner in honor of Thomas Jefferson—by toasts—General Jackson and Mr. Calhoun signalized the issue that grew into an open rupture between Jackson and Calhoun—more properly between the Federal Government and the State of South Carolina on the question of disunion.

Mr. Benton says about this birthday dinner:

"There was a full assemblage when I arrived, and I observed gentlemen standing about in clusters in the ante-rooms, and talking with animation on something apparently

serious, and which seemed to engross their thoughts. I soon discovered what it was—that it came from the promulgation of the twenty-four regular toasts, which savored of the new doctrine of nullification; and which, acting on some previous misgivings, began to spread the feeling that the dinner was got up to inaugurate that doctrine, and to make Mr. Jefferson its father.

“ . . . When the regular toasts were over, the President was called upon for a volunteer, and gave it—the one which electrified the country, and has become historical: “Our Federal Union—it must be preserved.” This brief and simple sentiment, receiving emphasis and interpretation from all the attendant circumstances, and from the feeling which had been spreading since the time of Mr. Webster’s speech, was received by the public as a proclamation from the President to announce a plot against the union, and to summon the people to its defense. Mr. Calhoun gave the next toast; and it did not at all allay the suspicions which were crowding every bosom. It was this: “The Union—next to our liberty the most dear—may we all remember that it can only be preserved by respecting the rights of the States, and distributing equally the benefit and burthen of the Union.”

The proclamation puts nullification, secession, and disunion in the same class and leaves nothing to be inferred. His position at that time was not only for the Union against any form of disunion, but he believed disruption of the Union under any form would result in anarchy—at least in subdivisions and strife which would end in anarchy.

It is a singular coincidence that General Jackson and General Lee entertained the same opinions and expressed them in almost the same language. They were both seriously attached to the Union, and regarded themselves as bound by the highest form of obligation to defend the Union against all assailants.

But General Lee when war came without his fault, be-

tween the Federal Government and his State—actually a state of war—thought that it was not so much a question of patriotism as a question between two powers to both of which he owed allegiance. This he answered by the exclamation: “How can I draw my sword against Virginia!” But said to his son who was an officer in the United States Army: “Every man must decide for himself; if I have done wrong, you do better.”

What General Jackson would have done in General Lee’s place men may speculate about. When the crisis came he was at the head of the Government—and with him the question was what shall I do to prevent disunion. Such a question called up and moved into active exertion his marvelous powers.

It would be injustice not to give in full, in writing his life, the entire proclamation issued by him.

This is the paper:

“Whereas a convention assembled in the State of South Carolina have passed an ordinance, by which they declare ‘that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially ‘two acts for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, ‘are authorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law,’ not binding on the citizens of that State, or its officers, and by the said ordinance, it is further declared to be unlawful for any of the constituted authorities of the State or of the United States to enforce the payment of the duties imposed by the said act within the same State, and that it is the duty of this legislature to pass such laws as may be necessary to give full effect to the said ordinance;

“And, whereas, by the said ordinance, it is further ordained, that in no case of law or equity decided in the courts of said State, wherein shall be drawn in question the validity of the said ordinance, or of the act of the Legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for a contempt of court;

“And, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard; and that they will consider the passage of any act, by Congress, abolishing or closing the ports of the said State, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the federal government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent States may of right do;

“And, whereas, the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the destruction of the Union — that Union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary strug-

gle to a glorious independence—that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equaled in the history of nations: To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this, my proclamation, stating my views of the Constitution and laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

“Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be, invested, for preserving the peace of the Union, and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that anything will be yielded to reasoning and remonstrance, perhaps demanded, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

“The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void, but prohibit its execution; that they may do this consist-

ently with the Constitution; that the true construction of that instrument permits a State to retain its place in the Union, and yet be bound by no other of its laws than those they may choose to consider as constitutional. It is true, they add, that to justify this abrogation of a law, it must be palpably contrary to the Constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For as, by the theory, there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a State more inde-feasible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress — one to the judiciary, the other to the people and the State. There is no appeal from the State decision in theory, and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous, when our social compact, in expressed terms, declares that the laws of the United States, its Constitution and treaties made under it, are the supreme law of the land; and, for greater caution, add 'that the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.' And it may be asserted without fear of refutation, that no federative government could exist without a similar provision. Look for a moment to the consequence. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the courts of Charleston, there would be a clear constitutional objection

to their collection in every other port, and no revenue could be collected anywhere; for all imposts must be equal. It is no answer to repeat, that an unconstitutional law is no law, so long as the question of its legality is to be decided by the State itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

“If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but fortunately none of those States discovered that they had the right now claimed by South Carolina. The war, into which we were forced to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace, instead of victory and honor, if the States who supposed it a ruinous and unconstitutional measure, had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the Legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our Constitution was reserved for the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will unfortunately fall the evils of reducing it to practice. If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our government.

“In our colonial State, although dependent on another power, we very early consider ourselves as connected by a common interest with each other. Leagues were formed for common defense, and, before the declaration of independence, we were known in our aggregate character as the United Colonies of America. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts, and when the terms of our confederation were reduced to form, it was in that of a solemn league of several States, by which they agreed that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that Union is found an article which declares that ‘every State shall abide by the determinations of Congress on all questions which, by that confederation, should be submitted to them.’

“Under the confederation, then, no State could legally annul a decision of the Congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The government could not operate on individuals. They had no judiciary, no means of collecting revenue.

“But the defect of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home, nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain, if this fatal doctrine prevail. It was formed for important objects that are announced in the preamble made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all the other rests, is ‘to form a more perfect Union.’ Now, is it possible that

even if there were no expressed provision giving supremacy to the Constitution and laws of the United States over those of the States — can it be conceived that an instrument made for the purpose of ‘forming a more perfect Union’ than that of the confederation, could be so constructed by the assembled wisdom of our country, as to substitute for that confederation a form of government dependent for its existence on the local interest, the party spirit of the State, or of a prevailing faction in a State? Every man of plain, unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

“The Constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the Constitution and treaties shall be paramount to the State Constitution and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States: by appeal, when a State tribunal shall decide against this provision of the Constitution. The ordinance declares there shall be no appeal; makes the State law paramount to the Constitution and laws of the United States; forces judges and jurors to swear that they will disregard their provisions; and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States, or of that State, to enforce the payment of duties imposed by the revenue laws within its limits.

“Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

“On such expositions and reasonings, the ordinance

grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union, if any attempt is made to execute them.

“This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States, who have preserved their whole sovereignty, and, therefore, are subject to no superior; that, because they made the compact, they can break it when, in their opinion, it has been departed from, by the other States. Fallacious as this course of reasoning is, it enlists State pride, and finds advocates in the honest prejudices of those who have not studied the nature of our government sufficiently to see the radical error on which it rests.

“The people of the United States formed the Constitution, acting through the State Legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but, the terms used in its construction show it to be a government in which the people of all the States collectively are represented. We are one people in the choice of the President and Vice President. Here the States have no other agency than to direct the mode in which the votes shall be given. Candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the executive branch.

“In the House of Representatives, there is this difference: that the people of one State do not, as in the case of President and Vice President, all vote for the same officers. The people of all the States do not vote for all the members, each State electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular State from which they come. They are paid

by the United States, not by the State, nor are they accountable to it for any act done in the performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents, when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

“The Constitution of the United States, then, forms a government, not a league; and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the States — they retained all the power they did not grant. But each State, having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, cannot, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offense against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation; because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but, to call it a constitutional right, is confounding the meaning of terms; and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

“Fellow citizens of my native State, let me not only admonish you, as the First Magistrate of our common

country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves, or wish to deceive you. Mark under what pretenses you have been led on to the brink of insurrection and treason, on which you stand! First, a diminution of the value of your staple commodity, lowered by overproduction in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the tariff laws.

“The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burdens were in proportion to your exports, not to your consumption of imported articles. Your pride was aroused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the oppositions our fathers offered to the oppressive laws of Great Britain. You were told the opposition might be peaceably, might be constitutionally made; that you might enjoy all the advantages of the Union, and bear none of its burdens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask, which concealed the hideous features of disunion, should be taken off. It fell, and you were made to look with complacency on objects which, not long since, you would have regarded with horror. Look back to the arts which have brought you to this state; look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive; it was added

that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it, made you receive with too much confidence the assertions that were made of the unconstitutionality of the law, and its oppressive effects. Mark, my fellow citizens, that, by the admission of your leaders, the unconstitutionality must be palpable, or it will not justify either resistance or nullification! What is the meaning of the word palpable, in the sense in which it is here used? That which is apparent to every one; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence, and endeavoring to mislead you now. In either case they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty emulating the fame of our revolutionary fathers; nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage.

“You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that, too, on some

articles of general consumption in your State. The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burdens was to be expected, at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

“I adjure you, as you honor their memory, as you love the cause of freedom, to which they dedicated their lives, as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its convention; bid its members to reassemble, and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity and honor. Tell them that, compared to disunion, all other evils are light, because that brings with it an accumulation of all. Declare that you will never take the field unless the star-spangled banner of your country shall float over you; that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the constitution of your country. Its destroyers you cannot be. You may disturb its peace, you may interrupt the course of its prosperity, you may cloud its reputation for stability, but its tranquility will be restored, its prosperity will return, and the stain upon its national character will be transferred, and remain an eternal blot on the memory of those who caused the disorder.

“Fellow-citizens of the United States, the threat of unhallowed disunion, the names of those, once respected, by whom it is uttered, the array of military force to support it, denote the approach of a crisis in our affairs, on which the continuance of our unexampled prosperity, our political

existence, and perhaps that of all free governments may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and, as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties, which has been expressed, I rely with equal confidence, on your undivided support, in my determination to execute the laws, to preserve the Union by all constitutional means, to arrest, if possible, by moderate, but firm measures, the necessity of a recourse to force; and, if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

"Fellow-citizens: The momentous case is before you. On your undivided support of your government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessings it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defense, will transmit them unimpaired and invigorated to our children."

CHAPTER LVIII.

JACKSON'S FIRST INAUGURAL ADDRESS — BENTON'S REVIEW
OF JACKSON'S OFFICIAL CAREER AS PRESIDENT — QUAL-
ITIES FOUND IN JACKSON'S CHARACTER.

A CAREFUL study of General Jackson's career, after his connection with the United States Army ceased, led me into the line of treating his civil service by subjects rather than in the continuity of his public life generally; hence I have devoted much space to his conflict with the United States Bank, running over seven years of his two terms as President. This was deemed more consonant with the development of his character and power in action than by carrying the reader through the Jacksonian period, loaded down for eight years, as it was, with problems which rarely, if ever, were crowded into one public life of like duration.

The bank conflict, lasting just seven years, between him and the three most generally accepted masters in polemics that this country has ever produced — indeed, the equals of any of the great orators of ancient or modern times — he in the Cabinet and they in the forum, with victory on his side at every turn, is an achievement that rightfully signalizes it the "Jacksonian period."

But the triumphant success of this genius in the Cabinet, as well as at the head of an army, over Calhoun, Clay and Webster, marks but a tithe of his power.

Lord Wellington said at a dinner table in London, if he had done nothing but conduct the Creek Campaign, it made him one of the great generals of the world; so it may be

said, if in the Cabinet, with only one friend in the forum, of supreme ability, he so laid his plans and so executed them as to triumph at every turn over this wonderful trio of statesmen — for they were nothing less — and literally drive them from the field, then he is as great in the Cabinet, if not greater, as in war. Indeed, the victory at New Orleans over one of the finest armies England ever put into the field, with raw militia, all the work of his own supreme genius, was not a higher test of his character in war than his victory over the United States Bank, using its money as it did, with Clay, Calhoun and Webster back of it, with all the zeal of attorneys in a struggle for power, or the ambition of a Cæsar or a Napoleon fighting for the dictatorship of the world.

Having chosen the line of thought here indicated of dealing with subjects in the great actor's life, rather than the continuity of his great deeds as they come one after another, I shall now turn back and take up his career as President of the United States in other fields, while the biggest powers in the way of men and aggregated money the world had then ever known were pursuing him on every side. To the intense student, or even the looker-on, the exhaustive and painstaking investigation of all subjects in which his country was interested, all the time in a struggle with a money power whose means had no limit when an end was to be attained, backed up by a Senate as vicious if not as violent as was the Roman Senate when it set the mob on Tiberius and Caius Gracchus and murdered them for standing by the common people, his undisturbed patriotism and his power of dealing with great problems under difficulties, his equanimity as well as his power, is genius itself.

General Jackson's first inaugural address, delivered on the 4th of March, 1829, was like other inaugurals — a forecast of his administration and with a general chart of democratic principles. His whole life showed an aptitude, in both mili-

tary and civil life, in striking at the right time. In one respect in his inaugural, he departed from the custom of dealing with principles instead of special subjects, and with that intuitive conception of the public mind, just as his genius in war told him when to strike the enemy, there was one subject that his quick perception told him should not be delayed for his annual message.

As a military man his election had been deprecated as possibly leading to the success of military power in civil office to such an extent that under a military chieftain that Government would become despotic — indeed, military rule instead of civil polity — so in his first appearance before the public after the oath of office had been administered by Chief Justice Marshall, he said :

“Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms, the preservation of our forts, arsenals, and dockyards, and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence that I should be excused for omitting their mention sooner than for enlarging on their importance. But the bulwark of our defense is the national militia, which in the present state of our intelligence and population must render us invincible. As long as our Government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience and of the press, it will be worth defending, and so long as it is worth defending, a patriotic militia will cover it with an impenetrable ægis.

“Partial injuries and occasional mortifications we may be

subjected to, but a million of armed freemen possessed of the means of war can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power."

Before taking up the delightful task of reviewing in detail the far-seeing statesmanship as found in his messages to Congress, as well as in his diplomacy in dealing with foreign nations and the Indian tribes, I may be permitted to make a somewhat extended extract from Mr. Benton's review of General Jackson's official career as President, delivered to the Senate just before his retirement to private life. This review of Jackson's career as President has recently been published by Judge Brewer in his great work as one of the great orations of the great men of the world.

I use this extract here that the reader may see as we go along in the review which I shall make of the eight years' service as President how thoroughly and critically accurate Mr. Benton was in his delineation of what Jackson accomplished for the good of his country while constantly under fire from jealousy and ambition, coupled with the incentive of handling the money of a great and unscrupulous banking institution. This entire review of the Jackson presidential period is an immaculate piece of American history. Here is the extract:

"Historically, then, shall I view him; and limiting this view to his civil administration I demand, where is there a chief magistrate of whom so much evil has been predicted and from whom so much good has come? Never has any man entered upon the chief magistracy of a country under such appalling predictions of ruin and woe; never has any one been so pursued with direful prognostications; never has any one been so beset and impeded by a powerful combination of political and moneyed confederates; never has any one in any country where the administration of justice

has risen above the knife or the bowstring been so lawlessly and shamelessly tried and condemned by rivals and enemies, without hearing, without defense, without the forms of law or justice! History has been ransacked to find examples of tyrants sufficiently odious to illustrate him by comparison. Language has been tortured to find epithets sufficiently strong to paint him in description. Imagination has been exhausted in her efforts to deck him with revolting and inhuman attributes. Tyrant, despot, usurper; destroyer of the liberties of his country; rash, ignorant, imbecile; endangering the public peace with all foreign nations; destroying domestic prosperity at home; ruining all industry, all commerce, all manufactories, and annihilating confidence between man and man; delivering up the streets of populous cities to grass and weeds, and the wharves of commercial towns to the incumbrance of decaying vessels; depriving labor of all reward, depriving industry of all employment; destroying the currency, plunging an innocent and happy people from the summit of felicity to the depths of misery, want and despair. Such is the faint outline, followed up by actual condemnation, of the appalling denunciations daily uttered against this one man, from the moment he became an object of political competition, down to the concluding moment of his political existence.

“The sacred voice of inspiration has told us that there is a time for all things. There certainly has been a time for every evil that human nature admits of to be vaticinated of President Jackson’s Administration; equally certain the time has now come for all rational and well-disposed people to compare the predictions with the facts, and to ask themselves if these calamitous prognostications have been verified by events? Have we peace or war with foreign nations? Certainly we have peace with all the world; peace with all its benign and felicitous and beneficent influences. Are we respected or despised abroad? Certainly the American

name was never more honored throughout the four quarters of the globe than in this very moment. * * *

“The wrongs done to commerce for thirty years back, and under so many different Presidents, and indemnities withheld from all, have been repaired and paid over under the beneficent and glorious administration of President Jackson. But one single instance of outrage has occurred, and that at the extremities of the world, by a piratical horde, amenable to no law but the law of force. The Malays of Sumatra committed a robbery and massacre upon an American vessel. Wretches! They did not then know that Jackson was President of the United States, and that no distance, no time, no idle ceremonial of treating with robbers and assassins was to hold back the arm of justice. Commodore Downes went out. His cannon and his bayonets struck the outlaws in their den. They paid in terror and in blood for the outrage which was committed; and the great lesson was taught to these distant pirates — to our antipodes themselves — that not even the entire diameter of this globe could protect them, and that the name of American citizen, like that of Roman citizen in the great days of the republic and the empire, was to be the inviolable passport of all that wore it throughout the whole extent of the habitable world. * * *

“But why this specification? So beneficent and so glorious has been the administration of this President that where to begin and where to end in the enumeration of great measures would be the embarrassment of him who has his eulogy to make. He came into office the first of generals; he goes out the first of statesmen. His civil competitors have shared the fate of his military opponents; and Washington City has been to the American politicians who have assailed him what New Orleans was to the British generals who attacked his lines. Repulsed, driven back, discomfited, crushed, has been the fate of all assailants, foreign and

domestic, civil and military. At home and abroad the impress of his genius and his character is felt. He has impressed upon the age in which he lives the stamp of his arms, of his diplomacy, and of his domestic policy. In a word, so transcendent have been the merits of his administration that they have operated a miracle upon the minds of his most inveterate opponents. He has expunged their objections to military chieftains! He has shown them that they were mistaken; that military men were not the dangerous rulers they had imagined, but safe and prosperous conductors of the vessel of State. He has changed their fear into love. With visible signs they admit their error, and instead of deprecating, they now invoke the reign of chieftains. They labored hard to secure a military successor to the present incumbent; and if their love goes on increasing at the same rate, the republic may be put to the expense of periodical wars, to breed a perpetual succession of these chieftains to rule over them and their posterity forever.

“To drop this irony, which the inconsistency of mad opponents has provoked, and to return to the plain delineations of historical painting, the mind instinctively dwells on the vast and unprecedented popularity of this President. Great is the influence, great the power, greater than any man ever possessed in our America, which he has acquired over the public mind. And how has he acquired it? Not by the arts of intrigue or the juggling tricks of diplomacy; not by undermining rivals, or sacrificing public interests for the gratification of classes or individuals. But he has acquired it, first, by the exercise of an intuitive sagacity which, leaving all book learning at an immeasurable distance behind, has always enabled him to adopt the right remedy at the right time, and to conquer soonest when the men of forms and office thought him most near to ruin and despair. Next, by a moral courage which knew no fear

when the public good beckoned him to go on. Last, and chiefest, he has acquired it by an open honesty of purpose which knew no concealments, by a straightforwardness of action which disdained the forms of office and the arts of intrigue, by a disinterestedness of motive which knew no selfish or sordid calculation, a devotedness of patriotism which staked everything personal on the issue of every measure which the public welfare required him to adopt. By these qualities and these means he has acquired his prodigious popularity and his transcendent influence over the public mind, and if there are any who envy that influence and popularity, let them envy also, and emulate, if they can, the qualities and means by which they were acquired.

"Great has been the opposition to President Jackson's Administration; greater, perhaps, than ever has been exhibited against any Government, short of actual insurrection and forcible resistance. Revolution has been proclaimed, and everything has been done that could be expected to produce revolution. The country has been alarmed, agitated, convulsed. From the Senate Chamber to the village barroom, from one end of the continent to the other, denunciation, agitation, excitement has been the order of the day. For eight years the President of this republic has stood upon a volcano, vomiting fire and flames upon him, and threatening the country with ruin and desolation, if the people did not expel the usurper, despot and tyrant, as he was called, from the high place to which the suffrages of millions of freemen had elevated him.

"Great is the confidence which he has always reposed in the discernment and equity of American people. I have been accustomed to see him for many years and under many discouraging trials, but never saw him doubt for an instant the ultimate support of the people. It was my privilege to see him often and during the most gloomy period of the panic conspiracy, when the whole earth seemed to be in

commotion against him, and when many friends were faltering and stout hearts were quailing before the raging storm which bank machination and senatorial denunciation had conjured up to overwhelm him. I saw him in the darkest moments of this gloomy period, and never did I see his confidence in the ultimate support of his fellow citizens forsake him for an instant. He always said the people would stand by those who stand by them; and nobly have they justified that confidence! That verdict, the voice of millions, which now demands the expurgation of that sentence which the Senate and the bank then pronounced upon him, is the magnificent response of the people's hearts to the implicit confidence which he then reposed in them. But it was not in the people only that he had confidence; there was another, and a far higher Power, to which he constantly looked to save the country and its defenders from every danger, and signal events prove that he did not look to that higher Power in vain."

The qualities to be found in this wonderful character as developed through the eight years from the 4th of March, 1829, to the 4th of March, 1837, are love of country — patriotism — using and dominating every other trait; fidelity to duty in public service which scarcely has a parallel; a confidence in his own judgment when deliberately formed, scarcely less than that in the people doing right, all with an intuitive perception of what to do on a given state of facts, as unerring as that which takes the homeward-bound carrier pigeon to its destination. The first annual message of General Jackson will impress every careful reader that a business man was now at the helm, who felt that he had been selected by his fellow citizens not to take care of his party or even to discuss politics, but to transact their business; and while the office he held was a public trust, and in which he enjoyed high honors, yet his highest duty was a thorough investigation of the business affairs of

the country over which he had been called to preside as its Chief Executive officer. Whoever reads this first message to Congress will know much of the man who was about to impress his country with an individualism to be recognized in history as the "Jacksonian Period." As a state paper, in style, clearness, and an appreciation of the exalted office of President of the United States, it is not inferior to the state papers of the other Presidents, but it, as well as all subsequent messages, stands out in its utility and aptness to our needs with a vigor and comprehension nowhere else to be found among the state papers of other Presidents.

Entering the office on the 4th of March, by the 8th of December he seems to have mastered every detail of our Federal relations, at home and abroad. Long standing complicated business relations with foreign nations — some of them threatening our peace with European countries, as well as with the countries on our own continent — were inherited estates, most of which had baffled the skill of our statesmen and diplomats until they were irritatingly chronic.

While the first message showed that the new President was familiar with each one of them, they were brought up in a kindly way, but inviting attention to their consideration. Several of these claims, especially the French spoliation claims, had been a source of anxiety and diplomatic irritation with every administration from 1800, but had been long since admitted when General Jackson went into the office, but the payment delayed under circumstances quite aggravating to the United States.

General Jackson had a way of meeting and dealing with whatever was hardest and most difficult of what was before him. This was fully exemplified in the manner in which he took up the French spoliation claims (an unsettled matter with France), involving the seizure and confiscation of 615 American ships with their cargoes, and which had been dealt with by every President from Washington down,

but was left with this wonderful man of affairs to deal with, and which he did.

The next chapter will be devoted to this French spoliation claims question, and there is nothing in General Jackson's life that more thoroughly and completely fixes in the mind his character as a man of conservatism, courage and action, than the manner in which he dealt with this question.

CHAPTER LIX.

JACKSON'S DIPLOMACY — THE CLAIM AGAINST FRANCE —
JACKSON'S MESSAGE TO CONGRESS ON THIS CLAIM —
CALHOUN'S SPEECH CRITICIZING JACKSON'S COURSE
WITH REFERENCE TO THIS CLAIM — BENTON ON JACK-
SON'S FOREIGN POLICY — THE "OREGON QUESTION."

THE transcendent genius of General Jackson is nowhere more forcibly illustrated than in dealing with international questions as President. When he became President in 1829, our diplomatic, or business relations, with foreign nations, were in a deplorable condition. With most of the Governments of Europe we had unsettled accounts with large balances in our favor, which had accumulated, many of them, more than thirty years before, and had taxed and baffled the diplomacy of every President from Washington, and had, indeed, become what, between individuals, are called stale demands. The largest and by far the most complicated of all these international disputes was known as the "French Spoliation Claims."

This was a claim of 25,000,000 francs against France for spoliation committed mainly between 1793 and 1800, but reached back and involved a treaty of amnesty and commerce between the United States and France dated February 6, 1778. This claim had given General Washington much anxiety, and especially a set-off which France brought against the United States as indemnity for a breach of the treaty in failing to protect French commerce in American waters against England and allowing England privileges guarded against by the treaty with France. General Washington issued a proclamation repudiating this indemnity, but

failed, as did all his successors down to General Jackson, to get a settlement, and payment of the claims of our citizens for spoliations. The spoliations consisted of the seizure, confiscation and sale of 615 ships, with their cargoes, belonging to American citizens. This spoliation was principally, in fact almost entirely, during the war between France and England, lasting from 1793 to 1800.

The bill that brought on the great debate in the Senate (and the student of international law will never do better than to read it) was a bill to pay out of the United States Treasury the losses sustained by the complainants, not to exceed \$5,000,000, and based upon two grounds: That the claim was a just one against France, and the Government of the United States, failing to enforce the claim of her citizens against France, was bound to pay, and also, and I believe mainly, that in the treaty of 1800 the United States had recognized the indemnity claim of France and the claims of both Governments had been adjusted, setting one off against the other, which Mr. Webster contended was an appropriation of private property for public use and must be paid off by our Government. This seemed to be conclusive, notwithstanding it was earnestly argued, and indeed shown, that the French set-off was a myth, for it was said our Government could not go behind the treaty of 1800. There can be no doubt of the fact that the set-off had no real foundation and was only admitted in the treaty because of the great anxiety of our commissioners to avoid trouble, the exhausting war of the Revolution having so recently terminated. This estoppel was overcome by one of General Jackson's emergency intuitions which seemed always to come in time of need. It was after the debate in the Senate had laid bare all the facts that Mr. Wright and Mr. Benton had boldly assumed that there was no consideration for the indemnity claim which had been recognized in the treaty of 1800, that Jackson's Minister at Paris, William C. Rives, of

Virginia, so pressed the claim before the Government, with Jackson back of him, that the French Government yielded and agreed to pay the claim, but when the Chamber of Deputies refused to pay the money, Jackson, having removed the estoppel of 1800 and having the claim recognized, was just a little warm in his demands while the debate went on in the Senate, and in one of his messages to Congress used some language not flattering to the good faith of France. This was made an excuse to back up the Chamber of Deputies by saying the money could not be paid until the President of the United States apologized. France didn't know Jackson.

Jackson met the crisis by taking the ground that he was in official correspondence with a department of his own Government and not in communication with the French Government, and was only giving Congress information which he believed was true — and that he should not apologize.

Sixty French ships were at once fitted out and ordered into American waters — with sixty more to be sent later. This state of things brought from General Jackson a special message to Congress on the state of affairs with France, which showed a continual refusal on the part of France to pay the indemnity unless an apology was first made and also showing that a French fleet was preparing for the American seas under circumstances which implied a design either to overawe the American Government or to be ready for expected hostilities.

This message said among other things :

“Whilst, however, the Government of the United States was awaiting the movements of the French Government, in perfect confidence that the difficulty was at an end, the Secretary of State received a call from the French Charge d’Affaires in Washington, who desired to read to him a letter he had received from the French Minister of Foreign Affairs. He was asked whether he was instructed or directed

to make any official communication, and replied that he was only authorized to read the letter, and furnish a copy if requested. It was an attempt to make known to the Government of the United States privately, in what manner it could make explanations, apparently voluntary, but really dictated by France, acceptable to her, and thus obtain payment of the 25,000,000 francs.

"No exception was taken to this mode of communication which is often used to prepare the way for official intercourse; but the suggestions made in it were, in their substance, wholly inadmissible. Not being in the shape of an official communication to this Government, it did not admit of reply or official notice; nor could it safely be made the basis of any action by the Executive or the Legislature; and the Secretary of State did not think proper to ask a copy, because he could have no use for it.

"Copies of papers marked Nos. 9, 10 and 11 show an attempt on the part of the French Charge d'Affaires, many weeks afterward, to place a copy of this paper among the archives of the Government, which for obvious reasons, was not allowed to be done; but the assurance before given was repeated, that any official communication which he might be authorized to make in the accustomed form would receive a prompt and just consideration. The indiscretion of this attempt was made more manifest by the subsequent avowal of the French Charge d'Affaires, that the object was to bring the letter before Congress and the American people. If foreign agents, on a subject of disagreement between their Government and this, wish to prefer an appeal to the American people, they will hereafter, it is hoped, better appreciate their own rights, and the respect due to others, than to attempt to use the Executive as the passive organ of their communications. It is due to the character of our institutions that the diplomatic intercourse of this Government should be conducted with the utmost directness and simplic-

ity, and that, in all cases of importance, the communications received or made by the Executive should assume the accustomed official form. It is only by insisting on this form that foreign powers can be held to full responsibility; that their communications can be officially replied to; or that the advice or interference of the Legislature can, with propriety, be invited by the President. This course is also best calculated, on the one hand, to shield that officer from unjust suspicions; and, on the other, to subject those portions of his acts to public scrutiny and, if occasion shall require it, to constitutional animadversion. It was the more necessary to adhere to these principles in the instance in question, inasmuch as, in addition to other important interests, it is very intimately a matter, in my judgment, much too sacred to be made the subject of private and unofficial negotiation.

"It is time that this unequal position of affairs should cease and that legislative action should be brought to sustain Executive exertion in such measures as the case requires. While France persists in her refusal to comply with the terms of a treaty, the object of which was, by removing all causes of mutual complaint, to renew ancient feelings of friendship, and to unite the two nations in the bonds of amity, and of a naturally beneficial commerce, she cannot justly complain if we adopt such peaceful remedies as the law of nations and the circumstances of the case may authorize and demand. Of the nature of these remedies, I have heretofore had occasion to speak; and, in reference to a particular contingency, to express my conviction that reprisals would be best adapted to the emergency than contemplated. Since that period, France, by all the departments of her Government, has acknowledged the validity of our claims and the obligations of the treaty, and has appropriated the moneys which are necessary to its execution; and though payment is withheld on grounds vitally important to our

existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the questions in controversy, and under all existing circumstances, it appears to me that, until such a determination shall have become evident, it will be proper and sufficient to retaliate her present refusal to comply with her engagements by prohibiting the introduction of French products and the entry of French vessels into all our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former, in the present posture of our affairs, as being the least injurious to our commerce, and as attended with the least difficulty of returning to the usual state of friendly intercourse, if the Government of France shall render us the justice that is due; and also as a proper preliminary step to stronger measures, should their adoption be rendered necessary by subsequent events.

“Of course, the intent of these armaments I have no authentic information, nor any other means of judging, except such as are common to yourselves and the public; but whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparations on our part, and I therefore strongly urge large and speedy appropriations for the increase of the navy, and the completion of our coast defenses.

“If this array of military force be really designed to affect the action of the Government and people of the United States on the questions now pending between the two nations, then, indeed, would it be dishonorable to pause a moment on the alternative which such a state of things would present to us. Come what may, the explanation

which France demands can never be accorded ; and no armament, however powerful and imposing, at a distance, or on our coast, will, I trust, deter us from discharging the high duties which we owe to our constituents, to our national character and the world."

Under all the circumstances this message may be studied as a true index to the character of General Jackson. Not an intimation of irritation, but upon the whole an exhibition of discreet firmness and prudence in a great emergency, that rarely attach to the actions of men in high places when in the performance of duty in the midst of a great crisis. This message was not sent until General Jackson had from King Louis Philippe a direct recognition of the claim, but putting his defense upon the ground that the Chamber of Deputies refused to pay the money. Thus, the President of the United States and King Louis Philippe stood fronting each other with drawn swords, one on the land and the other on the sea, in an attitude that threatened war with all its consequences between the United States and a former ally. At this critical moment England stepped in and tendered her kind offices to both Governments to mediate between them. Jackson, with absolute confidence in the justice and right of his cause, promptly accepted the offer ; France also accepted it, and the Government of Great Britain took charge of it, deciding that General Jackson was entitled to the money, every dollar he claimed, 25,000,000 francs. It is due to history that Mr. Calhoun's position in this whole affair shall be here stated.

In former chapters on the bank question and on the expunging resolutions, Mr. Calhoun's conduct towards General Jackson, his forgetfulness of himself and his bitterness towards General Jackson, together with his duplicity in the Seminole war affair, have been fully shown, but at the last moment in General Jackson's effort to settle the French spoliation claims, there was an outcropping from Mr. Cal-

houn that surpassed all previous efforts in the display of his malignity and hatred of General Jackson.

He made a speech in the Senate, and in view of the efforts previously made to settle this national trouble, running through every administration from Washington down, and at a time when General Jackson was bringing it to a close and to a settlement, unwilling that it should be done without a renewed display of his virulence and bad temper, he came forward and made the following speech:

"I fear that the condition in which the country is now placed has been the result of a deliberate and systematic policy. I am bound to speak my sentiments freely. It is due to my constituents and the country, to act with perfect candor and truth on a question in which their interest is so deeply involved. I will not assert that the Executive has deliberately aimed at war from the commencement; but I will say that, from the beginning of the controversy to the present moment, the course of the President is precisely the one calculated to terminate in a conflict between the two nations. It has been in his power, at every period, to give the controversy a direction by which the peace of the country might be preserved, without the least sacrifice of reputation or honor; but he has preferred the opposite, I feel (said Mr. C.) how painful it is to make these declarations; how unpleasant it is to occupy a position which might by any possibility, be construed in opposition to our country's cause; but, in my conception, the honor and the interests of the country can only be maintained by pursuing the course that truth and justice may dictate. Acting under this impression, I do not hesitate to assert, after a careful examination of the documents connected with this unhappy controversy, that, if war must come, we are the authors — we are the responsible party. Standing, as I fear we do, on the eve of a conflict, it would to me have been a source of pride and pleasure to make an opposite declaration; but

that sacred regard to truth and justice, which, I trust, will ever be my guide under the most difficult circumstances, would not permit."

I have thus made full notes of what General Jackson had to do in the settlement of the French Spoliation Claims for two reasons: First, to show how conservative and conciliatory under a great strain, indeed under a national insult, this great man could be, in the settlement of a trust committed to him, and able to show more conclusively than heretofore how determined Mr. Calhoun was on vituperation and assailment wherever General Jackson was concerned.

When Jackson became President he found our foreign affairs in a condition that an executor often finds a neglected and carelessly managed estate when he enters upon a duty to settle it, but determined that whatever else he did, he would settle up our accounts with European Governments. The following sentiment of Mr. Benton at the close of General Jackson's administration, will perhaps here bear repeating. It is this:

"Do we hear of indignity, or outrage in any quarter; of merchants robbed in foreign parts; of vessels searched on the high seas; of American citizens impressed into foreign service; of the national flag insulted anywhere? On the contrary, we see former wrongs repaired; no new ones inflicted. France pays 25,000,000 francs for spoliations committed thirty years ago; Naples pays 2,100,000 ducats for wrongs of the same date; Denmark pays \$650,000 for wrongs done a quarter of a century ago; Spain engages to pay 12,000,000 of reals vellon for injuries of fifteen years' date; and Portugal, the last in the list of former aggressors, admits her liability, and only waits the adjustment of details to close her account by adequate indemnity. So far from war, insult, contempt, and spoliation from abroad, this denounced Administration has been the season of peace and good will, and the auspicious era of universal reparation.

So far from suffering injury at the hands of foreign power, our merchants have received indemnities for all former injuries. It has been the day of accounting, of settlement, and of retribution. The total list of arrearages, extending through four successive previous administrations, has been closed and settled up. The wrongs done to commerce for thirty years back, and under so many different Presidents, and indemnities withheld from all, have been repaired and paid over under the beneficent and glorious administration of General Jackson."

What a wonderful record this is for a soldier whom Calhoun, Clay and Webster, and a long train of followers, were not willing to trust in a civil office for lack of experience in business, and because of the military trend of his whole life.

Serious complications with all the governments of Europe which for thirty years our Presidents had been unable to settle, but which this military man settled, and went out of office leaving a clean sheet.

There was but one unsettled matter of importance with any of the Governments of Europe that remained; that was the boundary line between Great Britain and the United States, known as the "Oregon question." This was not settled, because under an old treaty between England and the United States, a joint occupation of the disputed territory was agreed upon, and the term of joint occupation had not ended when Jackson went out of office.

This was the question that perhaps elected Mr. Polk in 1844, the Democratic party claiming the true boundary line to be 54.40, so that Mr. Polk made his race on "54.40 or fight," and which was afterwards settled at 49, the United States surrendering its claim.

In some respects this French spoliation question is the most interesting so far as the executive and legislative departments of our Government are concerned, that is to be

found in our history. The debate mainly in the Senate, running through a period lasting from 1829 to 1836, and all the time under the watchful supervision and careful eye of the President, has been preserved in its entirety, but nowhere has it been preserved in such shape and in such form as to be accessible to the people. The President of the United States fixed his mind on it as he came into office, and never did he let up until it was finally closed.

The several debates in the Senate and particularly the debate towards the close of General Jackson's term and before General Jackson obtained from King Louis Philippe the recognition of the debt, to say the least of it, is the equal in point of ability, preparation and learning, of any debate found in our legislative records.

Mr. Webster spoke three days at one time, Mr. Wright spoke two days and a half, Mr. Bibb and Mr. Benton spoke at great length, besides others.

With a view of perpetuating and putting in form for readers generally the character of this debate and the question as General Jackson had it before him, I shall in another chapter take up the discussion of the history and character and substance of the debate, with a view of showing what General Jackson was dealing with and what he accomplished when he settled it.

CHAPTER LX.

JACKSON'S DIPLOMACY CONTINUED — BIBB'S EXPOSITION OF JACKSON'S CONTENTION WITH FRANCE — WEBSTER ON THE FRENCH SPOILIATION CLAIMS — DEVELOPMENTS OF THIS CELEBRATED CASE — SETTLEMENT SECURED BY JACKSON.

THE diplomatic skill of General Jackson in conducting the French Spoliation Claims question to a successful termination has never been understood by the public for lack of a connected history showing its complications. Its ramifications in all its phases would require a volume, but I hope in an outline to give the general reader a just conception of its magnitude with its many sides, as well as the issues of both law and fact, when General Jackson became President in 1829.

The questions solved were both international and domestic. The bill which brought the first great debate was to have our Government assume and pay a claim of \$5,000,000, which, it was admitted on all hands, was once a liability of France to American citizens. In support of this bill Mr. Webster, then in the prime of life, in a discussion of both law and fact, made a speech which shows that all the powers of that great mind were brought to bear upon it. Mr. Bibb, of Kentucky, in opening his speech, set forth at the outset in a remarkably clear manner, General Jackson's side of the question, at least on some of the questions, as follows:

"He was well aware that the interests of individuals ought to be supported by their Governments to a certain degree, but he did not think that Governments were bound to push such interest to the extremity of war. He did not

admit that the rights of the whole were to be jeopardized by the claims of individuals — the safety of the community was paramount to claims of private citizens. He would proceed to see if the interests of our citizens had been neglected by this Government. These claims have been urged from year to year with all the earnestness and zeal due from the nation. But they went on from bad to worse, till negotiations were in vain. We then assumed a hostile position. During the year 1798 more than twenty laws were passed by Congress upon this very subject, some for raising troops, some for providing arms and munitions of war, some for fitting out a naval force, and so on. Was this neglecting the claims of our citizens? We went as far as the interests of the nation would permit. We prosecuted these claims, to the very verge of plunging into the dreadful war then desolating Europe. The Government then issued its proclamation of neutrality and nonintercourse."

Mr. Bibb next proceeded to show that France had no just claims upon us arising from the guaranty. This guaranty against France was not considered binding even by France herself, any further than was consistent with our relations with other nations; that it was so declared by her Minister, and, moreover, that she acknowledged the justice of our neutrality. These treaties had been violated by France, and the United States could not surely be bound by treaties which she had herself violated, and consequently we were under no obligation on account of the guaranty. Mr. Bibb went on to show that, by the terms of the treaty of 1800, the debts due to our citizens had not been relinquished; that as the guaranty did not exist, and as the claims had not been abandoned, Mr. Bibb concluded that "these claims ought not to be paid by this Government. He was opposed to going back thirty-four years to sit in judgment on the constituted authorities of that time. There should be a stability in the Government, and he was not disposed to question the

judgment of the man (Washington), who has justly been called the first in war and the first in peace. We are sitting here to rejudge the decisions of the Government thirty-four years since.

Then Mr. Webster, in his conspicuous clearness, put forth at the opening of his speech his side of the case as follows:

"He should content himself with stating very briefly an outline of the grounds on which these claims are supposed to rest, and then leave the subject to the consideration of the Senate. He, however, should be happy, in the course of the debate, to make such explanations as might be called for. It would be seen that the bill proposed to make satisfaction, to an amount not exceeding \$5,000,000, to such citizens of the United States, or their legal representatives, as had valid claims for indemnity on the French Government, rising out of illegal captures, detentions and condemnations, made or committed on their property prior to the 30th day of September, 1800. This bill supposed two or three leading propositions to be true.

"It supposed, in the first place, that illegal seizure, detentions, captures, condemnations and confiscations were made of the vessels and property of the citizens of the United States before September 30, 1800.

"It supposed, in the second place, that these acts of wrong were committed by such orders and under such circumstances as that the sufferers had a just right and claim for indemnity from the hands of the Government of France.

"Going on these two propositions, the bill assumed one other, and that was that all such claims on France as came within a prescribed period, or down to a prescribed period, had been annulled by the United States, and that this gave them a right to claim indemnity from this Government. It supposed a liability in justice, in fairness and equity, on the part of this Government, to make the indemnity. These

were the grounds on which the bill was framed. That there were many confiscations no one doubted, and many such acts of wrong as were mentioned in the first section of the bill. That they were committed by Frenchmen, and under such circumstances as gave those who suffered wrong an unquestionable right to claim indemnity from the French Government, nobody, he supposed, at that day would question. There were two questions which might be made the subject of discussion, and two only occurred to him at that moment. The one was, 'On what ground was the Government of the United States answerable to any extent to the injury done to these claims.' The other, 'To what extent was the Government in justice bound?' And first, 'Why was it that the Government of the United States had become responsible in law or equity to its citizens, for the claims — for an indemnity for the wrongs committed on their commerce by the subjects of France before 1800?'

"To this question there was an answer, which, whether satisfactory or not, had at least the merit of being a very short one. It was, that, by a treaty between France and the United States, bearing date the 30th of September, 1800, in a political capacity, the Government of the United States discouraged and released the Government of France from this indemnity. It went upon the ground which was sustained by all the correspondence which had preceded the treaty of 1800, and the disputes arising between the two countries should be settled by a negotiation. And claims and pretensions having been asserted on either side, commissioners on the part of the United States were sent out to assert and maintain the claims of indemnity which they demanded, while commissioners appointed on the part of France asserted a claim to the full extent of the stipulations made in 1778, which they said the United States had promised to fulfill, and in order to carry into effect the treaty of alliance of the same date, viz.: February, 1778.

“The negotiation ultimately terminated, and a treaty was finally ratified upon the terms and conditions of an offset of the respective claims against each other, and forever; so that the United States Government, by the surrender and discharge of these claims of its citizens, had made this surrender to the French Government to obtain for itself a discharge from the onerous liabilities imposed upon them by the treaty of 1778, and in order to escape from fulfilling other stipulations proclaimed in the treaty of commerce of that year, and which, if not fulfilled, might have brought about a war with France. This was the ground on which these claims rested.

“Heretofore when the subject had been before Congress, gentlemen had taken this view of the case; and he believed there was a report presented to the Senate at the time, which set forth that the claims of our citizens, being left open, the United States had done these claimants no injury, and that it did not exempt the Government of France from liability.”

On this issue the legal mind at once rests with Mr. Webster on the ground of an estoppel, that in a commercial treaty in 1800, the United States had used these claims of citizens as a setoff against a debt or demand France had against the United States, and therefore we were estopped from saying the French Government had no just claim — we had admitted it by paying it with the spoliation claims of American citizens, and therefore we were obligated to our own citizens.

It is true the French claim of 1800 was a myth, and Jackson took the ground that a myth could be a setoff in 1800, and therefore could not be an estoppel, and with this fact strongly presented he obtained from the King a recognition of the claim, while politicians were debating it in the Senate, and then the fight came over the payment of the money.

Silas Wright, who was then comparatively a young man,

and made much of his great reputation by his debate with Mr. Webster on this question, undertook, by an elaborate and ingenious analysis of the treaty of 1800, to show that it did not commit our Government to a setoff of the spoliation claims of our citizens against the indemnity claim set up by France.

Second, that the indemnity claim set up by France was a myth, and was no consideration for relieving France from the just spoliation claims, and by law it is extinguished. This was admitted to be the law if the facts were as contended, and then came the debate between him and Mr. Webster on these issues.

On these issues briefly stated came one of the greatest debates that the history of the Senate records. Among the several questions between Mr. Webster and Silas Wright was one of general interest in international law. How far and to what extent must a government go in collecting a claim of its citizens against a foreign government — a claim, the justice of which is conceded by the government whose aid is demanded? Mr. Webster's contention was that these claimants whose 615 ships, with their cargoes, had been captured and confiscated, were not able, and had not the power, to enforce collection against France, and that our Government in failing to enforce the claim, had become responsible to the claimants — even if he was in error in saying that the government had got the benefit of them in a setoff against the French indemnity claim.

To this Mr. Wright, with Mr. Bibb and Mr. Benton, made two answers which were so convincing that Mr. Webster turned away, and to his argument in which he had the greatest confidence; that the treaty of September 30, 1800, had paid France a debt — her indemnity claim, with these spoliation claims, and that this was taking private property for public use and must be paid for, Mr. Wright by an unanswerable argument insisted that when France refused

to pay our citizens our Government had no way to compel it except by going to war, and that every nation must decide for itself when and for what it will go to war; that the question of ability, with many other considerations, must enter into it, and that when the question was raised we had just come out of the Revolution, and that a war with France was a most serious matter.

Then taking up the line of thought presented by Mr. Bibb at the outset, he showed that these claims had not been neglected, but urged from year to year for thirty-four years with all the earnestness and zeal due from our Government till negotiations were in vain; that we then assumed a hostile attitude; that more than twenty laws, in 1798, were passed; some for raising troops, some for providing arms, some for fitting out a naval force, and that blood was shed.

Then Mr. Wright met Mr. Webster on his claim that in the treaty of 1800 the claims were not set off one against the other, and in an elaborate and ingenious argument he did show that in the action of the Senate on the treaty and a modification by Napoleon, the First Consul, the French indemnity claim was not settled but suspended.

Then Mr. Wright contended that not being used as a set-off, they were extinguished by the treaty of peace in 1800, and to establish this he had to assume that war had existed in which the indemnity claim was involved, and that a treaty of peace without settling it extinguished it. He relied upon the hostilities of 1798 to 1800, and the breaking up of all diplomatic relations. But Mr. Webster met this by saying that we could not be in war without Congress first declaring war, and this idea seemed to prevail.

While General Jackson was watching this debate with intense interest — and fearing Mr. Webster's power in the Senate — he was in a sense behind the scene working his own plan. Jackson was a diplomat, and through his Minister at Paris, Mr. Rives, he was negotiating terms of settle-

ment with King Louis Philippe, who lacked a great deal of being the equal of General Jackson. Finally, through his Minister, he got from the crown an acknowledgment of the debt with a promise to pay it—whereupon Jackson assumed a new attitude. But for this Mr. Webster would probably have passed the bill, putting the debt on our own Government, for the Senate was much inclined to agree with him that the claims had been set off one against the other by the treaty of 1800, and then to regard that as an estoppel, though the indemnity claim was without real merit.

As shown in the last chapter, the Chamber of Deputies refused to pay it, which led to hostile steps — an army on land and a navy on the sea — when England came in and settled it.

Some people seem not to understand how it is that General Jackson settled the French Spoliation Claims question, and still French spoliation questions are coming up in Congress and in the courts. General Jackson only settled the question with France — the amount claimed to be due had been fixed at an early day in our history — 25,000,000 francs. This was paid over to our Government, but as was anticipated in the debate, after thirty-four years, the distribution was troublesome. Underwriters who had succeeded to the demands of ship owners, scattered heirs of claimants long since dead to be hunted up and identified, made the distribution a most perplexing work for the Government, and down to a late period claimants have been coming forward to set up their claims in court and in Congress, and probably some of them have been left out, and some claimants paid who were not entitled to pay. For such a complicated affair this would inevitably be so.

CHAPTER LXI.

CONCLUSION OF THE QUESTION OF THE FRENCH SPOILIATION CLAIMS — ACTION OF ENGLAND IN REGARD TO RECIPROCAL TRADE RELATIONS WITH HER WEST INDIA ISLANDS — TREATY MADE WITH RUSSIA FOR THE FIRST TIME IN OUR HISTORY — CLAIMS AGAINST SPAIN FOR INJURIES TO AMERICAN SHIPPING — THE SETTLEMENT WITH NAPLES — THE TREATY WITH THE OTTOMAN EMPIRE — THE TREATY WITH MOROCCO.

THE conclusion of the French Spoliation Claims question is interesting. General Jackson's message to Congress giving information of the French fleet that was intended for American waters, and suggesting active measures to meet it, had been referred to a committee, but no report had been made, though active preparatory steps were in progress when a second message from the President came informing the Senate that Great Britain had offered her friendly mediation between the United States and France; that it had been accepted by both Governments; the message recommended a suspension of all retaliatory measures against France, but a vigorous prosecution of the national works of general and permanent defense. The message also stated that the mediation had been accepted on the part of the United States with careful reservation of the points in the controversy which involved the honor of the country and which admitted of no compromise. This meant that the demands of France that an apology should be made before the money was paid was no part of the friendly mediation by Great Britain, and this was put in the acceptance. The next thing after this mes-

sage was the payment by France of the four installments due and which were actually paid without waiting for the decision of the mediator.

General Jackson's force of character and surpassing qualifications for the exalted position he occupied are strikingly shown in all his diplomatic relations, though it was on this his enemies had made their most frantic opposition.

By the Orders in Council of Great Britain and the Berlin and Milan decrees of France during the European wars, coming down to the fall of Napoleon, the high seas became a scene of universal piracy.

This authorized piracy preyed on our shipping to such an extent that it left us many accounts to settle, all of which passed unsettled through the several administrations and fell into General Jackson's hands in 1829, when he became President. All in all, it was about the most ungracious lot of old diplomatic rubbish ever inherited by the executive department of any government.

In addition to these long standing international carbuncles, which the new President said in some way must be removed, he found other matters equally important and equally demanding his attention of a diplomatic character. The first one of these which the new President attacked when he went into office was the prohibition of our commerce by England in the West India Islands. Prior to the formation of our Government the colonies had had uninterrupted commerce with the West India Islands. When the Government was formed, England at once prohibited all trade and commerce by us with her West India colonies. This inhibition lasted forty years. The loss of this trade was regarded as of such magnitude that it was the subject of negotiation during the time, and under six different Presidents — Washington, John Adams, Jefferson, Madison, Monroe, and John Quincy Adams — all of whom had earnestly worked to have the trade restored.

When England was not feeling good General Washington made an earnest appeal and upon a sound principle to have it restored. He asked from England the *privilege* of the trade with her colonies, but it was refused. General Washington, six months after his inauguration, wrote a letter to Gouveneur Morris, then in Europe, on this subject, and said: "Let it be thoroughly impressed on your mind that the privilege of carrying our productions in our own vessels to their (England's) islands and bringing in return the productions of those islands to our ports and markets is regarded here as of the highest importance." No less than six negotiations had been set on foot to accomplish the object, but all signally failed.

At one time — in 1822 — Congress was informed that the Parliament of Great Britain was preparing and would pass a law opening a trade with the islands offering terms of reciprocal exchange. Congress, in 1823, passed a bill accepting terms offered, but accepted it as a right yielded. England at once withdrew the offer, became obstinate and continued so. General Washington had taken the right view — that the mother country controls the foreign trade with her colonies. When General Jackson came in he sent Louis McLane to the Court of St. James, and had Mr. Van Buren, his Secretary of State, draw up instructions to him to open negotiations with the Minister of Foreign Affairs, putting it on the ground of mutual interests, and simply asked the privilege of trading with the West India colonies by taking to them in our ships our productions and bringing back their productions in the same ships. This was soon accomplished, and we have had the blessing of this great commerce ever since, constantly increasing. It is a curious incident in our history that in the rage of jealousy, after Mr. Van Buren had been sent to the Court of St. James and the Senate came to act on the appointment, it refused to confirm the appointment, and Mr. Van Buren came home.

This monstrous act of jealousy toward Mr. Van Buren, who, the presidential aspirants claimed, was displacing them with the President, undoubtedly had more to do with electing Mr. Van Buren President than any other one thing; in fact, Mr. Benton said to these gentlemen when they refused to confirm the nomination, "You have spoiled a Minister, but you have made a President." There is at this day no question that General Washington and General Jackson were right in holding that the commerce of colonies is under the control of the mother country, and if other nations have it, they have it as a privilege and not as a right.

Some way or other, in all matters of public interest, General Jackson had a way of doing things which no one else had. He was not a man to try; he was a man to do. His settlement of the French spoliation claims question and his restoration of our long lost trade with the West Indies are striking illustrations, as was his adjustment of a long continued and perplexing affair with Russia.

Many special missions and of the most eminent citizens, and at various times and under different administrations and under the Congress of the Confederation before there was any administration had been instituted for that purpose—that of Francis Dana, of Massachusetts (under whom the young John Quincy Adams, at the age of sixteen, served his diplomatic apprenticeship as private secretary), in 1784, under the old Congress; that of Rufus King, under the first Mr. Adams; that of John Quincy Adams, Albert Gallatin, James A. Bayard and William Pinckney, under Mr. Monroe; that of George Washington Campbell and Henry Middleton, under Mr. Monroe (the latter continued under John Quincy Adams), and all in vain. For some cause, never publicly explained, the guaranty of a treaty had been constantly declined.

The attention of President Jackson was early directed to this anomalous point, and John Randolph of Roanoke, then

retired from Congress, was induced, by the earnest persuasions of the President and his Secretary of State, Mr. Van Buren, to accept the place of Envoy Extraordinary and Minister Plenipotentiary to the Court of St. Petersburg, to renew the applications for the treaty which had so long been made in vain.

Repairing to that post Mr. Randolph found that the rigors of a Russian climate were too severe for the texture of his fragile constitution, and was soon recalled at his own request. James Buchanan, of Pennsylvania, was then appointed in his place, and by him the long desired treaty was concluded, December, 1832, the Count Nesselrode being the Russian negotiator, and the Emperor Nicholas the reigning sovereign. It was a treaty of great moment to the United States, for although it added nothing to the commercial privileges actually enjoyed, yet it gave stability to their enjoyment and so imparted confidence to the enterprise of merchants. It was limited to seven years' duration, but with a clause of indefinite continuance, subject to termination upon one year's notice from either party. Many years have elapsed; no notice of its termination has ever been given, and the commerce between the two countries feels all the advantages resulting from stability and national guaranties. And thus was obtained in the first term of General Jackson's administration an important treaty with a great power, which all previous administrations and the Congress of the Confederation had been unable to obtain.

This treaty, which Mr. Benton says continued up to the time of his book, has remained and is now the guarantee of amity and commerce.

Nobody had been able to handle the French spoliation claims question; nobody had been able to handle the West Indies trade question; nobody had been able to handle the Russian (no treaty) question. And now comes the Spanish question, still signalizing the power of this wonderful man

to accomplish results. Our spoliation claim against Spain at one time was large and complicated. But in the treaty of 1819, when we exchanged Texas for Florida, giving \$5,000,000 as the difference, we closed up the old spoliation claim and paid the five millions difference to American claimants. This claim had arisen, as the French claim did, by the seizure and confiscation of American merchant ships during the European wars.

But a new question of spoliation had arisen before General Jackson became President. All the Spanish-American States had become independent and established their own forms of government, but Spain refused to acknowledge their independence and was in a sullen mood at the outspoken sympathy of some of our public men, and because of the action of our Government in recognizing them as independent States. Hence, while Spain could not hold the revolted colonies, she could make war on their commerce. She refused to acknowledge the blockade, and under this pretext captured and confiscated American merchant ships and cargoes. Spain was in a very bad humor at the loss of her colonies, and refused to make reparation for the ships and cargoes confiscated. A large list of losses was furnished the Government, and when Jackson became President he at once put his mind on this comparatively recent injury to American shipping, and appointed Cornelius Van Ness as Minister to Spain, with instructions to bring this matter promptly before the Government and to earnestly insist on reparation for the wrong done American ship owners. Reparation was refused, and the facts connected with the refusal were reported to the President. With all former Presidents delay and future negotiations would probably have been the policy, for indeed in all our unsettled affairs with other nations up to the time Jackson became President, delay had been the principal feature, and hence the accumulation of stale demands that fell to Jackson

when he became President. His treatment of all these claims indicated that he had made himself familiar with them before he took the office.

The failure of Spain to recover and hold the American revolted colonies had, by the law of nations, confirmed our right to damages for spoliation, and the blunt refusal of Spain to negotiate a treaty and settlement of the claims put the President where he had to act, or do as had been done in all the other cases before he came into office—wait until the wrong-doer got in a better humor. So the President without delay dispatched a special messenger to Madrid, with instructions for him, in conjunction with Mr. Van Ness, to bring the subject “once more” before the Spanish Government, and at the same time sent a special message to Congress, saying he had made his last demand, and if justice was not done he would bring the matter before that body as the constitutional judge of what was to be done.

Upon closer examination the President became satisfied that some of the claims set up were not just and should not have the support of the Government. He immediately notified Congress, assuring that body of his oft-repeated pledge that he, in all his dealings with foreign governments, was determined to ask nothing but what was manifestly just, and that he had ordered these improper claims stricken out, and so notified his agents at Madrid. The special message to Congress had put the Spanish Government in a much better humor about our claim, and upon this manly acknowledgment of an error in the claim, it was promptly settled and the money paid. The amount was twelve millions of reals vellon (a real vellon is equal to 5 cents), making the amount \$600,000. This settlement was both pleasing and gratifying to the American people. So different from the diplomacy of former administrations in dealing with demands on other governments, and besides, Spain had been friendly in the Revolution, which was remembered.

One of the most striking in all General Jackson's diplomatic exploits was with Naples. In 1809, 1810, 1811, and 1812, when Murat was king of Naples, and under orders of his brother-in-law, the Emperor Napoleon, he seized and confiscated many vessels and their cargoes belonging to the citizens of the United States. When the Neapolitan Government was restored and the usurper Murat taken prisoner the Neapolitan king had him shot, and when our claim for spoliation was brought against the Neapolitan Government for the usurper's trespasses, it almost took away the breath of the little kingdom. "It was enough," they said, "to have had a usurper while on the throne." International law was not worth a cent in the way of argument, and the king put his back up against the wall and stood for all the crown was worth. He was a Bourbon, a legitimate, and affirmed that the real sufferer was the kingdom and people of Naples. Efforts were made by Madison, Monroe, and John Quincy Adams to get redress, but in vain.

In the last year of Mr. Madison's administration he sent one of America's most distinguished men, William Pinckney, to Naples, charged exclusively with getting indemnity for the Murat spoliations. His demand was no sooner made than refused. The king said, when refusing it, that France was the real author of the piratical policy during the wars, and you have not yet brought her to terms. Mr. Monroe in an earnest effort failed to accomplish it; so did John Quincy Adams. When General Jackson came in he appointed John Nelson, of Maryland, charge d'affaires to Naples, with special instructions as to this claim. General Jackson had two reasons for modifying the firmness shown in other cases. One was the same reason that a big man has for bearing a good deal from a little man, and the other was that it was hard to make the little kingdom pay for the trespasses of a usurper. And in this spirit Mr. Nelson per-

suaded the king to settle, and the money was paid, 2,115,000 ducats.

When General Jackson came into the Presidential office he found, among other unaccountable things, that there was no treaty of any sort with the Ottoman Empire. Other nations had secured favorable treaties, especially Russia, in what was known as the Adrianople treaty, the provisions of which had been extended to other European nations. General Jackson was surprised, and his active mind quickened when he found that we had no stipulated or guaranteed right of passing the Dardanelles and of navigating the Black Sea and no protection whatever for American citizens in the Sultan's dominions, a vast country covering what was once one-half the Roman world. Sacred and profane history had given these vast dominions an importance in Christendom that no other country had. They covered the land which was the birthplace of the human race, the cradle of the Christian religion and the early seat of the arts and sciences, and contained the city which was founded by the first Roman Christian Emperor. It had been the seat of commerce and great wealth. The Government was just fifty years old when Jackson took the oath of office, and although efforts had been made, all attempts at a treaty with the government of this vast empire had failed.

Congress was not a little surprised, as well as the country, when General Jackson laid before the Senate a most liberal and far-reaching treaty made with the Sultan Mahmoud, noted for his liberal foreign views, his domestic reforms, and his protection of Christians. The treaty provided on its face that it was the first treaty ever made between the United States and the Ottoman Empire. By the provisions of this treaty our trade with the Turkish dominions was placed on the footing of the most favored nation, and being without limitation as to time, may be considered as perpetual, subject only to be abrogated by war, in itself

improbable, or by other events not to be expected. The right of passing the Dardanelles and of navigating the Black Sea was secured to our merchant ships, in ballast or with cargo, and to carry the products of the United States and of the Ottoman Empire, except the prohibited articles. The flag of the United States was to be respected. Factors or commercial brokers of any religion were to be employed by our merchants. Consuls were placed on a footing of security, and travelers with passports were protected. Fairness and justice and litigation were provided for. In questions between a citizen of the United States and a subject of the Sublime Porte, the parties were not to be heard nor judgment pronounced unless the American interpreter (dragoman) was present. In questions between American citizens the trial was to be before the United States Minister or Consul. "Even when they (the American citizens, so runs the fourth article), shall have committed some offense they shall not be arrested and put in prison by the local authorities, but shall be tried by the Minister or Consul and punished according to the offense." By this treaty all that was granted to other nations by the treaty of Adrianople is also granted to the United States, with the additional stipulation to be always placed on the footing of the most favored nation—a stipulation wholly independent of the treaty exacted by Russia at Adrianople as the fruit of victories, and of itself equivalent to a full and liberal treaty, and the whole guaranteed by a particular treaty with ourselves, which makes us independent of the general treaty of Adrianople. A spirit of justice, liberality, and kindness runs through it. Assistance and protection is to be given throughout the Turkish dominions to American wrecked vessels and their crews, and all property received from a wreck is to be delivered to the American Consul of the nearest port for the benefit of the owners. Ships of war of the two countries are to exhibit toward each other friendly

and courteous conduct, and Turkish ships of war are to treat American merchant vessels with kindness and respect.

The valuable commerce of the Black Sea and of all the Turkish ports of Asia Minor, Europe and Africa (once the finest in the world), traveling, residence, and the pursuit of business throughout the Turkish dominions, are made as safe to our citizens as in any of the European countries, and thus the United States, though among the youngest in the family of nations, besides securing particular advantages to her own citizens, has done her part in bringing those ancient countries into the system of modern European commercial policy and in harmonizing people long estranged.

General Jackson also turned his attention to Morocco on the north of Africa and found that the old Congress had made a treaty before our Government was formed with that far-away country, containing the following stipulations:

“Neither party to take commissions from an enemy; persons and property captured in an enemy’s vessel to be released; American citizens and effects to be restored; stranded vessels to be protected; vessels not allowed to follow out of port for twenty-four hours; American commerce to be on the most favored footing; exchange of prisoners in time of war; no compulsion in buying or selling goods; no examination of goods on board, except contraband was proved; no detention of vessels; disputes between Americans to be settled by their consuls and the consul assisted when necessary; killing punished by the law of the country; the effects of persons dying intestate to be taken care of and delivered to the consul, and if no consul, to be deposited with some person of trust; no appeal to arms unless refusal of friendly arrangements; in case of war nine months to be allowed citizens of each power residing in the dominions of the other to settle their affairs and remove.”

This treaty made in 1787 was the work of Benjamin Franklin. It was extended to fifty years and renewed by

General Jackson in the last year of his administration for fifty years more, and afterward until a twelve months' notice of a desire to abrogate it should be given by one of the parties.

In his treaty with the Sultan it was agreed and stipulated that treaties of like character and like conditions should be entered into by the little governments of Siam and the Sultan of Muscat. This was soon done, and all the privileges secured which are found in the treaty with the Sublime Porte.

All the treaties here specially named are mentioned because they are exceptional, in that they were accomplished by General Jackson after many efforts and signal failures by his predecessors in the office, or because they were the opening way to amity and commerce and the protection of American citizens, and especially Christians, in the far outlying countries of the East. General Jackson concluded other treaties with Austria, Mexico, Peru, Bolivia, and Venezuela.

Looking over the list, with the facts stated, and remembering that when General Jackson went out of office there was not one single old sore with any nation left to be doctored, the only unsettled affair was the Oregon boundary line, and that was put beyond Jackson's reach by a treaty of joint occupation whose term had not expired; and remembering that all domestic troubles had been healed up with entire good feeling and co-operation between the Federal and State Governments, without a speck of war in the heavens to disturb our friendship with the nations of the earth, I am tempted to ask a rehearing on Jackson as a diplomat.

CHAPTER LXII.

DEALINGS OF THE UNITED STATES WITH THE INDIANS —
COMPLICATIONS DUE TO CLAIMS OF STATES — THE
STATUTE OF GEORGIA IN REGARD TO THE INDIANS — THE
CASE OF FOREMAN VS. THE STATE OF TENNESSEE —
OPINION OF CHIEF JUSTICE MARSHALL — REVIEW BY
CHIEF JUSTICE OF TENNESSEE CATRON — BENTON ON
THE GOVERNMENT'S TREATMENT OF THE INDIANS —
CASE OF GEORGE TASSELS — JACKSON'S INTENTIONS TO-
WARD THE INDIANS.

NOTHING in our history is more interesting and nothing in the shifting scenes of the early days less understood, and out of which have come dissatisfaction at home and prejudice abroad than our dealings, as a nation, with the aborigines of the country. M. de Toqueville, a popular French writer, has misrepresented us in this respect, and his writings have generally been received as true history in Europe, and in this country readers of books who have been willing to take French writers rather than American history for what we are and what we have done, have accepted it. In former chapters I have felt it necessary to review with care, and by well collected facts, the writings of this Frenchman on parts of our history on other matters; and especially in his ill-digested sketches of General Jackson's life.

The conflicts between the State courts and the Federal courts, the intense feeling in the States on one side, and the imperative duty of the Supreme Court of the United States on the other, had put the political department of the Government where a small man in General Jackson's place would have been as helpless as the Queen of China now is, in her impotency, while she sees the powers count and di-

vide up her scant revenue. What a blessing to any people in a great crisis to have a big man at the head!

Only intelligent and laborious searchers after the truth of history will know through the coming ages what Marshall on the bench, and Jackson in the field and in the Cabinet, were worth in putting the great republic on its feet.

In one respect the Indian question surpassed all the others that came in our early history. The conflicts between the Federal and the State Governments were more intense as well as more deeply seated; involving the great questions of justice, sympathy, rights of property, and the homes of a brave, savage race ready and willing to fight and die for the land in which slept the bones of their ancestors.

Within the limits of the old States, when the Constitution was adopted, and in the territories where the new States were formed, were found many tribes of Indians whose possessory right, with well-defined boundaries, far exceeded any claim we had by occupancy or discovery.

At first, when the white population was small and thinly scattered, the Indian possessions were scarcely considered; but as the population increased, a State within the State, made up of an only partially civilized people with their own government and laws, and a provision in the Constitution that no State shall be formed within a State, the question, in a social as well as in a political point of view, came to be serious and threatening.

The question was further complicated between the Federal Government and the States, by the various treaties entered into with the Indians by the Federal Government, which treaties were set up and pleaded by the Indians in their litigation between them and the States, but were wholly disregarded by the States, notably Georgia and Tennessee.

Both of these States in disregard of the treaties, passed laws for the government of these people, extending the

laws, severally, of the States over them, and with inhibitions on their rights in a social as well as a legal and political point of view, and denying them the right of property in their lands unless they became citizens of and acknowledged allegiance to the State.

Here are some of the provisions of the Georgia statute:

“Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, that, after the 1st day of February, 1831, it shall not be lawful for any person or persons, under color or pretense of authority from said Cherokee tribe, or as headmen, chiefs, or warriors of said tribe, to cause or procure by any means the assembling of any council or other pretended legislative body of the said Indians or others living among them, for the purpose of legislating (or for any other purpose whatever). And persons offending against the provisions of this section shall be guilty of a high misdemeanor, and subject to indictment therefor, and, on conviction, shall be punished by confinement at hard labor in the penitentiary for the space of four years.

“Section II. And be it further enacted by the authority aforesaid, that after the time aforesaid, it shall not be lawful for any person or persons, under pretext of authority from the Cherokee tribe, or as representatives, chiefs, headmen or warriors of said tribe, to meet or assemble as council, assembly, convention, or in any other capacity, for the purpose of making laws, orders or regulations for said tribe. And all persons offending against the provisions of this section shall be guilty of a high misdemeanor, and subject to an indictment, and on conviction therefor, shall undergo an imprisonment in the penitentiary for the space of four years.

“Section III. And be it further enacted by the authority aforesaid, that, after the time aforesaid, it shall not be lawful

for any person or persons, under color or by authority of the Cherokee tribe, or any of its laws or regulations, to hold any court or tribunal whatever, for the purpose of hearing and determining causes, either civil or criminal, or to give any judgment in such causes, or to issue, or cause to issue, any process against the person or property of any of said tribe. And all persons offending against the provisions of this section shall be guilty of a high misdemeanor, and subject to indictment, and on conviction thereof, shall be imprisoned in the penitentiary at hard labor for the space of four years.

“Section VII. And be it further enacted by the authority aforesaid, that all white persons residing within the limits of the Cherokee nation, on the first day of March next, or at any time thereafter, without a license or permit from His Excellency the Governor, or from such agent as His Excellency the Governor shall authorize to grant such permit or license, and who shall not have taken the oath hereinafter required, shall be guilty of a high misdemeanor, and upon conviction thereof, shall be punished by confinement in the penitentiary at hard labor for a term not less than four years; provided that the provisions of this section shall not be so construed as to extend to any authorized agent or agents of the Government of the United States or of this State, or to any person or persons who may rent any of those improvements which have been abandoned by Indians who have emigrated west of the Mississippi; provided, nothing contained in this section shall be so construed as to extend to white females, and all male children under twenty-one years of age.

“Section X. And be it further enacted by the authority aforesaid, that no person shall collect or claim any toll from any person for passing any turnpike, gate, or toll bridge by authority of any act or law of the Cherokee tribe, or any chief or headmen or men of the same.”

For the violation of this statute, Worcester, who was a preacher and missionary, was indicted for residing in the Indian nation, convicted, and sentenced to the penitentiary for four years, and was imprisoned.

The Governor of the State refused to pardon him, holding the statute to be valid. The Indians then employed Mr. Wirt, who got the case into the Supreme Court of the United States, and it was in this case the great Chief Justice fixed the status of the Indians and their rights.

The case of *Foreman vs. The State of Tennessee* was decided after the Worcester case had been decided by a unanimous decision of the Supreme Court of the United States, and the Tennessee Court had the opinion before it, and further complicated the whole question by refusing to follow it, and agreeing with the Supreme Court of Georgia. And it is said that the Georgia court refused to obey the procedendo from the Supreme Court of the United States by releasing the prisoner.

As shown in a preceding chapter, the Supreme Court of Tennessee held that the charters granted by the King of England, and the law of nations which had its origin with the papal power, gave us the right to the land, and power over the inhabitants, even to extermination, because they were infidels.

A mere synopsis of the masterly opinion of Chief Justice Marshall, acquiesced in by the whole court (except Baldwin, who dissented on a technical question), is all that can be given here.

The court was then composed of John Marshall, Chief Justice; William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, and Henry Baldwin.

I make the following quotation from the opinion of the Chief Justice:

"The Indian nations had always been considered as distinct, independent communities, retaining their original

natural rights, as the undisputed possessors of the soil, from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of any particular region claimed, and this was a restriction which those European potentates imposed on themselves, as well as on the Indians. The very term 'nation,' so generally applied to them, means 'a people distinct from others.'

"The Constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties.

"The words 'treaty' and 'nation' are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well-understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.

"Georgia, herself, has furnished conclusive evidence that her former opinions on this subject concurred with those entertained by her sister States, and by the Government of the United States. Various acts of her Legislature have been cited in the argument, including the contract of cession made in the year 1802, all tending to prove her acquiescence in the universal conviction that the Indian nations possessed a full right to the lands they occupied, until that right should be extinguished by the United States, with their consent; that their territory was separated from that of any State within whose chartered limits they might reside, by a boundary line, established by treaties; that within their boundary they possessed rights with which no State could interfere; and that the whole power of regulating the intercourse with them was vested in the United States. A

review of these acts on the part of Georgia would occupy too much time and is the less necessary because they have been accurately detailed in the argument at the bar. Her new series of laws, manifesting her abandonment of these opinions, appears to have commenced in December, 1828.

“In opposition to this original right, possessed by the undisputed occupants of every country, to this recognition of that right, which is evidenced by our history, in every change through which we have passed; is placed the charters granted by the monarch of a distant and distinct region, parcelling out a territory in the possession of others whom he could not remove, and did not attempt to remove, and the cession made of his claims by the treaty of peace.

“The actual state of things at the time, and all history since, explain these characters; and the King of Great Britain, at the treaty of peace, could cede only what belonged to his crown. These newly asserted titles can derive no aid from the articles so often repeated in Indian treaties; extending to them first the protection of Great Britain, and afterwards that of the United States. These articles are associated with others, recognizing their title to self-government. The very fact of repeated treaties with them recognizes it; and the settled doctrine of the law of nations is, that a weaker power does not surrender its independence—its right to self-government, by associating with a stronger, and taking its protection. A weak State, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a State. Examples of this kind are not wanting in Europe. ‘Tributary feudatory States,’ says Vattel, ‘do not thereby cease to be sovereign and independent States, so long as self-government and sovereign and independent authority are left in the administration of the State.’ At the present day, more than one State may be considered as holding its rights of

self-government under the guarantee and protection of one or more allies.

“The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties and with the acts of Congress. The whole intercourse between the United States and this nation is, by our Constitution and laws vested in the Government of the United States.

“The act of the State of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity. Can this court revise and reverse it?”

Looking at the case of *Foreman vs. Tennessee*, the exhaustive review by the Chief Justice, Catron, in reference to the law of nations, where savages or infidels were concerned, and the opinion of the great Chief Justice, must be accepted as injecting into a cruel and heartless system (founded in the supposed right of destroying infidels and taking their country because there was only a remote possibility of their being converted), a new and vital principle, hitherto unknown to pontiff or potentate of Europe. Our glorious history has no more glorious time than the period of 1832 to 1836, when a great lawyer, the greatest of modern years, as Chief Justice of the United States, and a great citizen-soldier, the greatest of all time, as President of the United States, injected into the law of nations the principle of equal rights to life, liberty, and property, in a national sense, among and between the civilized and the uncivilized; and put the principle in operation as against their own country and in favor of a race whose condition marked the change from civilized barbarity to the brotherhood of man.

It was a change from the time when the work of the missionary was to propagate religion by destroying infidels,

and when every civilized nation in the world was catching the negro and selling him into slavery, to the doctrine taught by the Master when on earth.

The world at large has seen the Indians put back, and wasting away, and has laid the blame at our door, but the Indians had been wasting away long before our ancestors came. There are many cases in the dealings of our people with the Indians, the obliteration of which would increase the hope of a universal brotherhood; but the treatment of the Indians by our Government, a strong nation dealing with a helpless people, is without a parallel in its humanity and in the justice of its laws. Since the Indian wars ended, the Indians have in fact been the wards of the nation.

In selecting heads of departments, the greatest care of the President and Secretary of the Interior has been to find men of both head and heart to manage our Indian affairs.

The condition became more complicated and new troubles arose. One was that in taking possession of the Indian Territory in the South the slavery question comes in, and this was fought with great bitterness. Another was that European nations were asked to interfere.

Mr. Benton refers to the condition of the country as follows:

“In this matter European sympathies were sought to be brought to bear upon the question of removal of the Indians—a political and domestic question, long since resolved upon by wise and humane American statesmen—and for the benefit of the Indians themselves, as well as the States in which they were. If all that the reverent missionary uttered had been true, it would still have been very improper invocation of the European sympathies in an American domestic question, and against a settled governmental policy; but it was not true.

“The Creeks with their united 10,000,000 acres, owned

not one acre in the State, and had not in five years, not since the treaty of cession in 1825, which shows the recklessness with which the reverent suppliant for foreign sympathy spoke of the people and States of his own country. The few Cherokees who were there, instead of subjugation and destruction of their liberties, were to be paid a high price for their land if they chose to join their tribe beyond the Mississippi; and if not, they were to be protected like the white inhabitants of the counties they lived in. With respect to the Supreme Court, the judge declared that he should pay no attention to its mandate—holding no writ of error to lie from the Supreme Court of the United States to his State Court—but would execute the sentence of the law, whatever it might be, in defiance of the Supreme Court; and such was the fact.”

Instigated by foreign interference, and relying upon its protection, one George Tassels, of Indian descent, committed a homicide in resisting the laws of Georgia—was tried for murder, convicted, condemned, and sentenced to be hanged on a given day. A writ of error to bring the case before itself was obtained from the Supreme Court of the United States; and it was proposed by the counsel, Mr. Wirt, to try the whole question of the right of Georgia to exercise jurisdiction over the Indians and Indian country within her limits, by the trial of this writ of error at Washington; and for that purpose, and to save the tedious forms of judicial proceedings, he requested the Governor to make up an “agreed case” for the consideration and decision of that high court. This proposition Governor Gilmer declined, in firm but civil terms, saying, “Your suggestion that it would be convenient and satisfactory if yourself, the Indians and the Governor would make up a law case to be submitted to the Supreme Court for the determination of the question, whether the Legislature of Georgia has competent authority to pass laws for the government of Indians.

residing within its limits, however courteous the manner, and conciliatory the phraseology, cannot but be considered as exceedingly disrespectful to the government of the State. No one knows better than yourself that the Governor would grossly violate his duty and exceed his authority by complying with such a suggestion; and that both the letter and the spirit of the powers conferred by the Constitution upon the Supreme Court forbid its adjudging such a case. It is hoped that the efforts of the general government to execute its contract with Georgia (the compact of 1802), to secure the continuance and advance the happiness of the Indian tribes, and to give quiet to the country, may be so effectually successful as to prevent the necessity of any further intercourse upon the subject." And there was no further intercourse. The day for the execution of Tassels came around; he was hanged; and the writ of the Supreme Court was no more heard of.

The remaining Cherokees afterwards made their treaty, and moved to the west of the Mississippi, and that was the end of the political and intrusive philanthropical interference in the domestic policy of Georgia. One Indian hanged, some missionaries imprisoned, the writs of the Supreme Court disregarded, the Indians removed, and the political and pseudo-philanthropic intermeddlers left to the reflection of having done much mischief in assuming to become the defenders and guardians of a race which the humanity of our laws and people were treating with parental kindness.

These complications imposed upon General Jackson great and responsible duties. In his first annual message, 1829-30, he pointed out in the very outset of his administration the threatened conflicts and gave the information that he had advised the Indians to go West—into a new country on the other side of the Mississippi River, a country suited to their habits of life. It was believed then that many generations would come and go before the wilds of that far-off country

would be disturbed by the white man. In this early step Jackson displayed, as in all the other great issues, a foresight and intelligence not found in any of his predecessors.

As the complications increased, so did his anxiety, until he saw nothing but heroic action coupled with great prudence would do. The time had come for the political department of the Federal Government to act. He had seen at an early day in the conflicts between the Federal Government and the States a prospective collision of a most serious character.

The Supreme Court of Tennessee in an offensive and aggressive manner, had disregarded the decision of the Supreme Court of the United States in a case in which that Court had carefully and elaborately considered the question of jurisdiction under the twenty-fifth section of the act of 1789, fixing limitations on the right of appeal from the final judgment of the Supreme Court of a State.

The Supreme Court of Georgia had refused to obey the procedendo in the Worcester case, and had hung Tassels in positive disregard of a writ of error from the Supreme Court of the United States, and the Governor of Georgia had officially announced that he would not obey any order or decision of the Supreme Court in reference to the Indians.

Jackson knew Marshall—he knew this was no new question—that in a Virginia case the Supreme Court of the State had refused to obey the mandate of the Supreme Court of the United States, and that from the order refusing, the case went back to the Supreme Court, when Marshall took it up and showed that his court was the final arbiter on the rights of appeal under the act of 1789, and if the Supreme Courts of the States refused to obey the mandate, and his court had no power to enforce it, that was the end of the Government. He perhaps knew that in that Virginia case Marshall had made up his mind that such a dis-

aster could not be permitted until all the power was exhausted, and hence he saw the terrible conflict with Georgia.

Jackson's whole purpose had been to accomplish results by treaties, which he had done, paying to four tribes in the South \$85,000,000 for their lands, as shown in a former chapter, and in 1836, General Jackson put General Scott in command, and moved the last of the Indians to their far-away home. It was the only move ever made with the Indians that meant a substantial advance in the way of civilization. These Indians may now be said to be civilized.

General Jackson's last fight was to raise money to move them. Congress hesitated, and only Jackson's influence carried it through.

CHAPTER LXIII.

JACKSON'S INTENTIONS TOWARD THE INDIANS, CONTINUED
— CASE OF WORCESTER VS. THE STATE OF GEORGIA —
EXTRACTS FROM DECISION IN THE FOREMAN CASE —
M. DE TOQUEVILLE ON THE TREATMENT OF THE INDIANS
BY THE UNITED STATES — BARTON ON THE SAME QUES-
TION — CONCLUSION.

NO LIFE of Jackson would be acceptable to intelligent readers that did not show his connection with and his position on the dealings of the Government with the Indian tribes. After the Indian wars ceased came the question, What are you going to do with them; what are their rights; what are our obligations? These questions had the careful thought and long study of John Adams, the second President; then it taxed the great mind of Mr. Jefferson, and then Mr. Monroe took it up and made the study a specialty through his term. But as in all the other seemingly unsolvable questions, as shown in former chapters, it was left to General Jackson to blaze the way and produce results.

The absorbing question was, What are we going to do with them?

Before our government was formed, the British government, through its colonial governors, sometimes by traffic and sometimes by other means, had well nigh got clear of all the tribes in the Eastern colonies. Up to and long after the time of James I, the accepted law of Christendom, and in consequence the law of nations, was that infidels (all savages being infidels) might be destroyed when a Chris-

tian nation wanted their country. The fact may be startling, but it is true, that in the case of *Foreman vs. The State of Tennessee*, in 8 Yerger, Chief Justice Catron delivered an elaborate and learned opinion, holding this was the law.

The defendant was indicted in the Circuit Court of McMinn County for the murder of John Walker. He pleaded that he was a native Cherokee Indian; that John Walker, for whose murder he was indicted, was also a native Cherokee, and that the offense charged, if committed at all, was committed beyond the rightful jurisdiction of Tennessee and within the Cherokee Nation, and that the Act of the Legislature of Tennessee, extending the jurisdiction of the State over the country now in the occupancy of the Cherokees was unconstitutional and void.

This plea was demurred to.

George S. Yerger was Attorney General, and prosecuted the case in connection with John Crozier. The Cherokee Nation employed Spencer Jarnegan to defend Foreman. The Supreme Court sustained the demurrer, and ordered Foreman to be tried for murder. He appealed to the Supreme Court of the United States, but died before the case was tried.

Shortly before this case was decided, the case of *Worcester vs. The State of Georgia* had got into the Supreme Court and had been decided in favor of the Indians. The State of Georgia had (as Tennessee did) assumed jurisdiction over the Cherokee Indians in that State, who (as in Tennessee) had a large territory, which by occupancy (as in Tennessee), was older than our Government.

In the Georgia law white men were forbidden to go into the Indian territory without a permit, or have any dealings with the Indians.

Worcester was a preacher, went into the Indian Nation and sold religious tracts. For this he was indicted and put in the penitentiary.

The Indians employed William Wirt, who got the case in the Supreme Court, where it was held that the legislative act was void, and that Georgia had no rights in their territory. It is because of these conflicts between the courts, the magnitude of the question, and the intense interest and excitement in the public mind, and especially as General Jackson solved the difficulty, that I am reviewing the Indian question.

Here are extracts from the decision in the *Foreman* case :

“In 1497, John Cabot, a Venetian, then residing in England, was fitted out with a ship by Henry VII., to proceed upon a voyage of discovery, and to subdue and take possession of any lands unoccupied by any Christian power, in the name and for the benefit of the British crown.

“Continuing his course westward, he soon reached the continent of North America and sailed along it from the fifty-sixth to the thirty-eighth degree of latitude, from the coast of Labrador to that of Virginia. ‘The subjects of Henry VII. were undoubtedly,’ says Robertson, the historian, ‘the first who had visited that part of the American continent, and were entitled to whatever right of property prior discovery is supposed to confer.’ The Pope claimed the right to dispose of all countries possessed by infidels—a right that it would have been deemed as absurd to deny before and during the fifteenth century as it would now be absurd to admit.

“ . . . After Columbus had returned from his first voyage of discovery, and when preparing to set out upon his second, with the most formidable and best-appointed fleet theretofore known, Ferdinand and Isabella were not willing to wrest their title to the possession of the newly-discovered countries upon the operations of the fleet alone, but the example of the Portuguese, as well as the superstitions of the age, made it necessary to obtain from the Roman pontiff a grant of those territories which they wished to

occupy. The Pope, as the successor of St. Peter, and vicar and representative of Jesus Christ, was supposed to have a right of dominion over all the kingdoms of the earth. Alexander VI. was applied to, and granted in full right to Ferdinand and Isabella of Spain, all the countries inhabited by infidels which they had discovered or should discover. As it was necessary to prevent this grant from interfering with that formerly made to Portugal, he appointed that a line, supposed to be drawn from pole to pole, a hundred leagues to the westward of the Azores, should serve as a limit between them.

“ . . . It was contemplated by conquest to bring about what had been foretold in holy writ—that ‘the light of revelation should be so extended to the remotest ends of the earth.’ And, when the Court of Rome was applied to, in 1495 by the King and Queen of Spain, for a bill confirming to them the discoveries made by Columbus, the grand achievement was pronounced by the papal see the fulfillment of one of the sublime promises made to the Church; it was giving to it ‘the heathen for an inheritance, and the uttermost parts of the earth for possession.’ In accordance to this claim was drawn up a formula, digested by the most distinguished and profound jurists and divines of Spain, in which the rights claimed by the Church and the crown are fully set forth, and which was the authority and guide to all Spaniards taking possession of and settling newly-discovered countries inhabited by infidels. Its terms are curious enough, but no how differing from the British characters of settlement in substance. Neither allowed the natives any political rights.

“ . . . Much as we may condemn the hypocrisy of the pretense for the grant of the Carolinas, yet the principle by which the country was taken possession of was the only rule of action possible to be observed—one not open to question in a legal point of view or morally wrong; it was

more just the country should be peopled by Europeans than to continue the haunt of savage beasts, and of men yet more fierce and savage, who, 'if they might not be extirpated for their want of religion and just morals, they might be reclaimed from their errors;' a rule in the course of application to the natives of New Holland, now settling by Great Britain, and which will ere long be of necessity applied by us to the Pawnees and Blackfoot tribes of Indians, with many others near to and on the west side of the Rocky Mountains; a rule of which savages of this description have no just right to complain. It is the law they daily practice against each other, and under which nations have melted away in the presence of the Indians; for our ancestors found on this continent nations obviously far advanced in civil life, as the memorials left us show. Towards a people whose principal avocation was war and human destruction no other rule than that declared by Coke in Calvin's Case, could be observed; nor from the earliest history of man has any other than that they were perpetual alien enemies been recognized.

"All infidels are, in law, perpetual enemies, for the law presumes not that they will be converted, that being a remote possibility; for between them, as with the devils, whose subjects they be, and the Christian there is perpetual hostility and can be no peace; for as the apostle saith (2 Cor. vi. 16): 'And what concord hath Christ with Belial? Or what part hath he that believeth with an infidel?' Calvin's Case, 7 Co., 33, 4 Inst., 155. This was the undoubted national law in the days of Coke and James I, and, disgusted as we may be with its bigoted manner of assertion and indiscriminate execution, yet it continued to be as much the law at the Revolution as that the oldest son took the whole estate.

" . . . All charters vested sovereignty in the grantees, substantially in the same terms. By that of the seven-

teenth, Charles II, to Lord Clarendon and others (June 13, 1665), granting the Carolinas, it is declared and covenanted on part of the crown:

“‘And forasmuch as we have made and ordained the aforesaid Edward, Lord Clarendon, etc., their heirs and assigns, the true lords, proprietors of the province or territory aforesaid, know ye, therefore, moreover, that we, reposing special trust and confidence in their fidelity, wisdom, justice, and provident circumspection, for us, our heirs and successors, do grant full and absolute power, by virtue of these presents, to them, the said Edward, Earl of Clarendon, etc., their heirs and assigns for the good and happy government of the whole province or territory, full power and authority to erect, constitute, and make several counties, baronies, and colonies of and within the said provinces, territories, lands and hereditaments in and by the said letters patent granted or mentioned to be granted, as aforesaid, with several and distinct jurisdiction, powers, liberties, and privileges, and also to ordain, make, and enact, and under their seals to publish any laws and constitutions whatsoever, either appertaining to the whole state of the province or territory, or of any distinct or particular county, barony, or colony of or within the same, or to the private utility of particular persons, according to the best directions, by and with the advice, assent, and approbation of the freemen of said province or territory, or of the freemen of the county, barony, or colony for which such laws or constitutions shall be made, and the same laws to execute upon all people within said province or territory, county, barony, colony or the limits thereof, by imposition of penalties, imprisonment or any other punishment—yea, if it shall be needful, and the quality of the offense require it, by taking away member or life—to be done by the lords, proprietors, their deputies or judges, to grant pardons, establish courts of justice, etc.

“ . . . The philosopher and jurist of the quiet city

may easily prove that such a people had undoubted rights of soil and of sovereignty, and sympathy and eloquence may, as in the Cherokee case, powerfully urge their adoption on the courts of justice—forgetting that it was impossible for our ancestors to recognize the rights they claimed; that they had actually by law and sword established what their charters granted—dominion over all within their limits—and this upon a principle admitting of no countervailing right, that of self-preservation. They were obliged to conquer and to govern, or to perish. Such rights as they acquired were transmitted to us, unless they have been impaired by the American Revolution, or the institution, laws, and treaties consequent upon the revolution. If so, the destruction of sovereignty it can be safely affirmed, the people of North Carolina and Tennessee have been overreached by indirect provisions in the Federal Constitution, treaties, and acts of Congress of which they were unaware for nearly fifty years after we declared ourselves independent of Great Britain.”

Mons. de Toqueville, in speaking of our treatment of the Indians, says:

“The ejectment of the Indians very often takes place, at the present day, in a regular, and, as it were, legal manner. When the white population begins to approach the limit of a desert inhabited by a savage tribe, the Government of the United States usually dispatches envoys to them, who assemble the Indians in a large plain, and, having first eaten and drunk with them, accost them in the following manner: ‘What have you to do in the land of your fathers? Before long you must dig up their bones in order to live. In what respect is the country you inhabit better than another? Are there no woods, marshes, or prairies except where you dwell? And can you live no where but under your own sun? Beyond these mountains, which you see at the horizon—beyond the lake which bounds your territory on the

west — there lie vast countries where beasts of chase are found in great abundance. Sell your land to us, and go and live happily in these solitudes.’

“After holding this language, they spread before the eyes of the Indians firearms, woolen garments, kegs of brandy, glass necklaces, bracelets of tinsel, earrings, and looking glasses. If, when they have beheld all these riches, they still hesitate, it is insinuated that they have not the means of refusing their required consent, and that the Government itself will not long have the power of protecting them in their rights. What are they to do? Half convinced, half compelled, they go to inhabit new deserts, where the importunate whites will not permit them to remain ten years in tranquility. In this manner do the Americans obtain, at a very low price, whole provinces, which the richest sovereigns in Europe could not purchase.”

On the question discussed by Mons. de Toqueville, Mr. Barton said :

“The call was made in the Senate of the United States and answered by document No. 616, first session, twenty-sixth Congress, in a document of thirteen printed tabular pages, and authenticated by the signature of Mr. Van Buren, President; Mr. Poinsett, Secretary of War; and Mr. Hartley Crawford, Commissioner of Indian Affairs. From this document it appeared that the United States had paid to the Indians eighty-five millions of dollars for land purchases up to the year 1840, to which five or six millions may be added for purchase since—say ninety millions. This is nearly six times as much as the United States gave the great Napoleon for Louisiana, the whole of it, soil and jurisdiction, and nearly three times as much as all three of the great foreign purchases—Louisiana, Florida, and California—cost us. And that for soil alone, and for so much as would only be a fragment of Louisiana or California.

Impressive as this statement is in the gross, it becomes more so in detail, and when applied to the particular tribe whose imputed sufferings have drawn so mournful a picture from Mons. de Toqueville. These are the four great Southern tribes—Creeks, Cherokees, Chickasaws, Choctaws. Applied to them the table of purchases and payments stand thus: To the Creek Indians, twenty-two millions of dollars for twenty-five millions of acres, which is seven millions more than was paid France for Louisiana, and seventeen millions more than was paid Spain for Florida; to the Choctaws, twenty-three millions of dollars (besides reserved tracts) for twenty millions of acres, being three millions more than was paid for Louisiana and Florida; to the Cherokees for eleven millions of acres was paid about fifteen millions of dollars, the exact price of Louisiana or California; to the Chickasaws the whole net amount for which this country sold under the land system of the United States, and by the United States land officers, three millions of dollars for six and three-quarter millions of acres, being the way the nation chose to dispose of it. Here are fifty-six millions to four tribes, leaving thirty millions to go to the small tribes whose names are unknown to history, and which it is probable the writer on American democracy had never heard of when sketching the picture of their fancied oppressions.

“I will attend to the case of these small remote tribes, and say that, besides their proportion of the remaining \$36,000,000, they received a kind of compensation suited to their condition, and intended to induct them into the comforts of civilized life. Of these I will give one example, drawn from a treaty with the Osages in 1839, and which was only in addition to similar benefits to the same tribe, in previous treaties, and which were extended to all the tribes which were in the hunting state. These benefits were, to the Osages, two blacksmith shops, with four blacksmiths, with 500 pounds of iron and sixty pounds of steel

annually; a grist and a saw mill, with millers for the same; one thousand cows and calves, 2,000 breeding swine, 1,000 plows, 1,000 sets of horse gear, 1,000 axes, 1,000 hoes, a house each for ten chiefs, costing \$200 apiece; to furnish these chiefs with six good wagons, sixteen carts, twenty-eight yokes of oxen, with yokes and log chain; to pay all claims for injuries committed by the tribe on the white people or on other Indians to the amount of \$30,000; to purchase their reserved lands at \$2.00 per acre, \$3,000 to reimburse that sum for so much deducted from their annuity in 1825, for property taken from the whites, and since returned, and, finally, \$3,000 more for an imputed wrongful withholding of that amount, for the same reason, in the annuity payment of 1829.

“In previous treaties had been given seed grain and seed vegetables, with fruit seeds and fruit trees, domestic fowls, laborers to plow up their ground and to make their fences, to raise crops and to save them and teach the Indians how to farm, with spinning, weaving and sewing implements and persons to show their use. Now all this was in one single treaty, with an inconsiderable tribe, which had been largely provided for in the same way in six different previous treaties. And as all the rude tribes—those in the hunting state or just emerging from it—were provided for in the same manner, the object of the United States being to train them to agriculture and pasturage—to conduct them from the hunting to the pastoral and agricultural state; and for that purpose, and in addition to all other benefits, are to be added the support of schools, the encouragement of missionaries, and a small annual contribution to religious societies who take charge of their civilization.

“The Indian tribes in the different sections of the Union had experienced very different fates—in the Northern and Middle States nearly extinct—in the South and West they remained numerous and formidable.

“Before the war of 1812 with Great Britain these Southern and Western tribes held vast, compact bodies of land in these States, preventing the expansion of the white settlements within their limits and retaining a dangerous neighbor within the borders. The victories of General Jackson over the Creeks and the territorial cessions which ensued made the first great breach in this vast Indian domain, but much remained to be done to free the Southern and Western States from a useless and dangerous population—to give them the use and jurisdiction of all the territory within their limits and to place them, in that respect, on an equality with the Northern and Middle States.

“From the earliest periods of the colonial settlements it had been the policy of the Government, by successive purchases of their territory, to remove these tribes further and further to the West, and that policy, vigorously pursued after the war with Great Britain, had made much progress in freeing several of these States (Kentucky entirely and Tennessee almost) from this population, which so greatly hindered the expansion of their settlements and so much checked the growth and strength. Still there remained up to the year 1824—the last year of Mr. Monroe’s administration—large portions of many of these States and of the Territories in the hands of the Indian tribes: in Georgia, 9,500,000 acres; in Alabama, 7,500,000; in Mississippi, 15,750,000; in the Territory of Florida, 4,000,000; in the Territory of Arkansas, 15,500,000; in the State of Missouri, 2,750,000; in Indiana and Illinois, 15,000,000; and in Michigan, east of the lake, 7,000,000. All these States were desirous, and most justly and naturally so, to get possession of these vast bodies of land, generally the best within their limits. Georgia held the United States bound by a compact to relieve her. Justice to the other States and Territories required the same relief, and the applications to the Federal Government, to which the right of purchasing

Indian lands, even within the States, exclusively belonged, were incessant and urgent. Piecemeal acquisitions, to end in getting the whole, were the constant effort, and it was evident that the encumbered States and Territories would not, and certainly ought not, to be satisfied until all their soil was open to settlement and subject to their jurisdiction. To the Indians themselves it was equally essential to be removed. The contact and pressure of the white race was fatal to them. They had dwindled under it, degenerated, become depraved, and whole tribes extinct or reduced to a few individuals, wherever they attempted to remain in the old States, and could look for no other fate in the new ones."

The manner in which the colonial government dealt with the Indians and the rule established in some of the States, including the States of Tennessee and Georgia, holding that infidels (savages) could acquire no rights by possession against Christian discoverers, is not a pleasant incident in American history. But one of the brightest pages in our history as a nation is to be found in the monument which the great American jurist, Marshall, erected for himself as Chief Justice in setting aside the doctrine that Christianity should be carried by the sword into all infidel countries. The opinion of Chief Justice Catron in the *Foreman Case*, holding that the charters granted by the crown were substantially the same as the bull of the Pope in the right to take by the sword all countries possessed by infidels, is an elaborate historical review, showing great research. The opinion by the Chief Justice, and the argument by Mr. Yerger, cover 157 pages in the book. The doctrine maintained is startling, but was reversed by Chief Justice Marshall. A bare quotation from his opinion (in 6 Peters) comes to us as a revelation from a court that knows and does justice, though the heavens fall. It is that "These motives for planting the new colony are incompatible with

the lofty idea of granting the soil and all its inhabitants from sea to sea. They demonstrate the truth that these grants assisted a little against Europeans only, and are considered as blank paper so far as the rights of the natives are concerned.

“The power of the war is given only for defense, not for conquest.”

CHAPTER LXIV.

EULOGIES AND ADDRESSES FOLLOWING THE DEATH OF JACKSON — SPEECHES BY HON. LEVI WOODBURY, GEORGE BANCROFT, JOHN VAN BUREN, MATTHEW HALL M'ALISTER, GEORGE M. DALLAS, HUGH A. GARLAND, AND GEN. BENJ. C. HOWARD — ANDREW JACKSON'S WILL — CORRESPONDENCE BETWEEN GENERAL JACKSON AND COM. J. D. ELLIOTT.

THE subscribers for this work have been disappointed by a delay in the delivery for a short time, that the author might introduce some important witnesses on a question raised by Mr. Parton.

In the closing chapter of his work, Mr. Parton makes the astounding disclosure, after writing twenty-one hundred pages — three large volumes — about General Jackson, "that of all human beings he (Jackson) was least fit to be President of the United States."

This, by the author of the principal biography which the people of the United States had seen, was so much like a confession — a biographer is always presumed to be favorable — that it had something to do in bringing this author, at an advanced age, to undertake the work now coming from the press. And this expression, coming from not only the biographer of General Jackson, but a man who had lived in his time, the author having an old volume of speeches made by a large number of the leading men of the United States, and in the different States, who had known much of Jackson, sent to him by Mr. Randal Ewing, of Franklin, he stopped the printing to introduce some of them as witnesses. These great speeches are not eulogies,

but evidence; they were made within a few weeks after Jackson's death, and were prepared with care.

Extracts from some of them I give as follows.

The entire book, in its broadest sense, now going to the public, is a refutation of Mr. Parton's delineation of Jackson's character.

PARTS OF SPEECH DELIVERED BY HON. LEVI WOODBURY AT
PORTSMOUTH, N. H.

"Though little is usually said of private character in connection with public benefactors, I have no doubt, from a long acquaintance with General Jackson, that he felt much more solicitude as to his independence, worth, and standing as a man, than for all the honors ever lavished on him by a grateful people. Yet such is the structure of society — such the eclipsing tendency of public life, that he has long been known over most of the globe as a successful soldier, and appreciated highly by millions as a statesman, without much inquiry as to those great principles which he had nourished in retirement, and which fitted him so ably for public usefulness. But it was those principles, and the habits formed by those — and not, as many suppose, accident or fortune — which afterwards insured to him victories in the field, and wreathed his brow with civic laurels."

* * *

"But, at the same time, a man, when reared like him, amidst the agitation and perils of a revolution, sooner learns to buffet well the temptations of life, and, like a tree blown upon by violent winds, strikes root deeper, and is better braced to encounter responsibility and danger of every kind, and his opinions are stronger, as well as adhered to with greater tenacity."

* * *

"His wife, while dead as well as living, he regarded almost as a guardian angel. Her miniature was worn near

his heart in health, and reposed with his Bible by his sick couch. Well do I remember, while walking with him once among the tombs of the distinguished dead in the congressional burying-ground, whither we had gone to pay the last obsequies to another of their number, he said: "One solemn request I now urge on you: should I die in this city remove my ashes to Tennessee, and let them sleep beside my beloved wife."

* * *

"His iron will was mere firmness or inflexibility in the cause he deemed right. It was an indomitable resolution to carry out what conscience dictated. Judgment and the fruits of it, opinion and corresponding conduct, it seemed to him, ought to be inseparable. He knew of no compromise or tampering, or half-way measures, with what was wrong. This high moral tone — the very highest in the annals of reformers and martyrs the world over — though often imputed to him as a fault, was, in fact, the crowning glory of his character, whether as a man, or a warrior, or a politician. So far from its having proved inconsistent with seeking full advice, and weighing contradictory reasons, and adopting measures of conciliation, where justifiable and wise, it was generally preceded by the amplest inquiries and the most careful deliberation. But a conclusion having been once formed in this manner, the whole powers of his mind and heart were flung into its execution with almost resistless energy; and then, in fortitude to resist opposition, and in courage to brave all difficulties, and inflexible perseverance to carry out measures deemed right, he may well have been called a man of iron — a man of destiny, or the hero of the iron will. Nor did this habit, as some have imagined, make him implacable, or unforgiving. For, though like others of a warm temperament, making good haters, as well as good lovers and friends, he often forgave

his bitterest enemies, and reconciled differences by many deemed insuperable."

* * *

"Counsel was invited from all proper quarters; and, instead of acting in difficulties headlong, or without reflection, he gave many hours to retired thought, when the crisis would permit, and was sagacious in detecting fallacies, shrewd in respect to consequences, and familiar with the bearing of most measures on the real affairs of life. Added to this, he was a most thorough and constant reader of our great political bible — the Constitution of the Union. It was his faithful companion by night and by day."

PARTS OF SPEECH BY MR. GEORGE BANCROFT AT
WASHINGTON.

"On the spot where he gave his solemn fealty to the people — here, where he pledged himself before the world to freedom, to the Constitution and the laws — we meet to pay our tribute to the memory of the last great name, which gathers round itself all the associations that form the glory of America."

* * *

"The first great political truth that reached his heart was, that all men are free and equal; the first great fact that beamed on his understanding was, his country's independence."

* * *

"When he first felt the hand of death upon him, 'May my enemies,' he cried, 'find peace; may the liberties of my country endure forever!'

"When his exhausted system, under the excess of pain, sunk, for a moment, from debility, 'Do not weep,' said he to his adopted daughter; 'my sufferings are less than those of Christ upon the cross'; for he, too, as a disciple of the cross, could have devoted himself, in sorrow, for mankind. Feel-

ing his end near, he would see all his family once more; and he spoke to them, one by one, in words of tenderness and affection. His two little grandchildren were absent at Sunday school. He asked for them; and as they came, he prayed for them, and kissed them, and blessed them. His servants were then admitted; they gathered, some in his room, and some on the outside of the house, clinging to the windows, that they might gaze and hear. And that dying man thus surrounded, in a gush of fervid eloquence, spoke with inspiration of God, of the Redeemer, of salvation through the atonement, of immortality, of heaven. For he ever thought that pure and undefiled religion was the foundation of private happiness, and the bulwark of republican institutions. Having spoken of immortality in perfect consciousness of his own approaching end, he bade them all farewell. 'Dear children,' such were his final words, 'dear children, servants, and friends, I trust to meet you all in heaven, both white and black — all, both white and black.' And having borne his testimony to immortality, he bowed his mighty head, and, without a groan, the spirit of the greatest man of his age escaped to the bosom of his God."

* * *

"No man in private life so possessed the hearts of all around him; no public man of this century ever returned to private life with such an abiding mastery over the affections of the people. No man with truer instinct received American ideas; no man expressed them so completely, or so boldly, or so sincerely."

* * *

"History does not describe the man that equalled him in firmness of nerve. Not danger, not an army in battle array, not wounds, not widespread clamor, not age, not the anguish of disease, could impair in the least degree the vigor of his

steadfast mind. The heroes of antiquity would have contemplated with awe the unmatched hardihood of his character; and Napoleon, had he possessed his disinterested will, could never have been vanquished."

* * *

"His body has its fit resting-place in the great central valley of the Mississippi; his spirit rests upon our whole territory; it hovers over the vales of Oregon, and guards, in advance, the frontier of the Del Norte."

PARTS OF SPEECH BY JOHN VAN BUREN, DELIVERED AT
ALBANY.

"Fellow-citizens: This country for the last two weeks has presented a picture which every philosopher and patriot should love to contemplate. On Sunday, the 8th of this month, an event occurred in a far distant section of the Union, the announcement of which, as it passed from quarter to quarter, with the celerity of communication now so extraordinary, caused a deep and mournful sensation in the popular heart, the intensity of which was certainly never exceeded in the present century. Courts of justice, legislative and municipal bodies in session, or specially assembled for the occasion, as the tidings came, gave expression to their grief, and immediately adjourned. The Chief Magistrate of the Union, by public proclamation, directed the business of government to be suspended. City followed city in manifestations of sorrow. The emporium of our State, unequalled in our young republic for its extent, its activity, its enterprise, and its continued strife, bustle, confusion of trade, bowed down in sadness and was hushed in silence. All ordinary avocations were suspended, and tens of thousands of her citizens marched through her majestic streets in a funeral procession unexampled in its numbers and in its solemnity. Public and private buildings were

clad in mourning. Eloquent and touching eulogiums were delivered, and everything betokened that deep affliction had befallen that city. The melancholy intelligence reaches the capital of our State. The public authorities of the State and city exhibit the same feelings of distress, and it is accompanied by similar marks of respect and mourning. The military and civic societies — our citizens without distinction of party—all ages, sexes, and conditions, assembled to commemorate the event by appropriate ceremonies. Universal grief is depicted on the face of the people of the United States — profound sorrow penetrates the popular heart.

“Why are these things so? What event is heralded that causes this widespread movement? What mean these funeral ceremonies, that we have just performed? What these trappings of woe, that meet our eyes at every glance? Why is the music that we have just heard, and which is so capable of moving joy and mirth, now so plaintive and so sad? Why am I here, amid many whom I am unaccustomed to meet on public occasions, addressing you in a strain so unusual, if not unnatural? What universal, pervading, crushing affliction has befallen this country? What calamity has befallen this people? It is, my friends — I see, and feel, and know that it is—*a national mourning for a nation's loss*. Andrew Jackson, who has, in an unsurpassed degree, engrossed the public attention for the last thirty years — a soldier, whose brilliant military exploits are the pride and glory, as they were the noble defense, of his country; a statesman, who, through a long, useful, and eventful public life, was fully sustained by a large majority of the American people; and a man who had, above all others, the merit of attaching to him the warmest regard, and, as some think, idolatrous devotion — of an honesty that all must respect, and a simplicity that a child might

love — Andrew Jackson is dead! and a void is left in the public mind and public heart that we, probably, shall never live to see filled. We are only beginning to realize this truth. Startled, stunned, bewildered, by the melancholy intelligence, sufficient time has not elapsed to ascertain the length and breadth of the loss we have sustained; but the public appreciation of it may be gathered from the circumstances to which I have already alluded. A stranger to our institutions, and to the character of Andrew Jackson, in view of a scene such as I have faintly described, on sight of the assemblage here present today, would naturally inquire, What high title did the illustrious person hold whom you have assembled to honor? Or, as in your country titles are unknown, what high station did he occupy at the time of his decease? None, sir, none; he was, and had been for eight years, a private citizen. Then, perhaps, he was a neighbor? No, sir; his residence was distant thousands of miles. But probably he was a frequent visitor at your city, and personally well known to the inhabitants? No, sir; I believe he never was in Albany; and probably not a tenth of the persons present ever saw him. Was his death sudden? No, sir; every mail for months had been feared as freighted with the tidings of his decease. Then he must have had relations dwelling among you, and a long line of the bereaved and sorrowing swell this crowd, or suggested this demonstration? Alas! no, sir; he had not a single blood relation in the world. Confounded by the peculiarity of these circumstances, he might then suggest that some law had been passed, or some proclamation or order issued by some superior power, directing this assemblage and ceremony. Still the answer would be, No, sir, no! this is a spontaneous gathering of the people themselves, to do honor to a private citizen who was a public benefactor!"

EXTRACT FROM SPEECH OF HON. MATTHEW HALL M'ALISTER,
DELIVERED AT SAVANNAH.

Promptitude in action was no less developed in his military conduct. Whether we view in him the boy of the Revolution, aroused from his midnight slumber, rushing to the post of danger, challenging and firing upon the advancing foe — whether we accompany him in his Indian expedition, quelling mutinies, following the savages through an inhospitable wilderness, with conflict after conflict, until their power was annihilated in the decisive battle of the Horseshoe — or, whether we see him at New Orleans adopting those ‘prompt and energetic measures,’ as they were termed by Governor Claiborne, which quelled treason at home, and beat back the invaders from abroad, we find a promptitude and decision in action unsurpassed in military annals. But it is the inflexibility of purpose, the indomitable will, which brings out in bold relief the character of this wonderful man. Courage of the loftiest kind was his. We speak not of that mere insensibility to danger which belongs to the brute as well as the man, and is the result of mere physical organization; but of that noble faculty of the mind which, poising itself on the emergency of the moment, fearless of consequences, uninfluenced by clamor, moves steadily forward to the accomplishment of its purpose. This it is which places the name of Andrew Jackson high on the scroll of fame, constituting him not only the successful warrior, but entitling him to the name of great! His refusal to disband his men in obedience to the order of Government, when honor, policy, and humanity forbade compliance — his invasion of the Spanish territory when his country’s peril demanded he ‘should take the responsibility upon himself’ — his declaration of martial law amid the disaffected population of New Orleans, with the certainty that success alone could still the clamor of the ‘fireside patriots’ of his

country — all proclaim him a man above his fellows, sent by heaven to save that country! Around the grave of such a warrior his countrymen will gather without distinction of party, and while they drop the tributary tear, exclaim, 'Beneath this turf there sleeps a hero!'"

PARTS OF SPEECH BY GEORGE M. DALLAS, DELIVERED AT
PHILADELPHIA.

"It came to his ear like a long-wished-for permit to avenge the wrongs and re-establish the sullied name of those for whom he was ever ready to sacrifice, without stint, his repose, his fortune, and his blood. The war-cry of his country scarcely vibrated on the breeze ere he echoed it back as a music with which every chord of his soul was in unison. In less than a week, leaving his plough in its yet opening furrow, and his ripe harvest drooping for the sickle, he stood equipped and eager, in front of two thousand five hundred volunteers, awaiting orders from the chief executive."

PARTS OF SPEECH BY HUGH A. GARLAND, DELIVERED AT
PETERSBURG, VA.

"The solemn toll of funeral bells — the loud peal of the minute-gun now echoing in our ears, announce that this is no ordinary occasion that brings us together. It is in truth no common event we have come to commemorate. One of the great actors of the world's history has ceased to act. The part it was the destiny of Andrew Jackson to perform in the drama of human life has been fully, perfectly, nobly performed, and he has received his permission to depart.

"Those that have seen him will see him no more. Those who have never beheld his manly form and venerable white locks can never hope to enjoy that pleasure. What of mortal was in him has put on immortality. Henceforth his

name will rank among those who have wrought as master workmen in the field of time, and made the world's history such as it is and not otherwise.

"Had he never lived, the recorded deeds of his own times would have been far different from what they are known to be; and the history of the future, which is but the development and result of the past and the present, would not have been what it will be — deeply stamping the impress of his character and genius on the age in which he lived — his words and deeds, now that he is dead, gathered up in the treasury of history, and pregnant with the germ of vitality, are destined to grow, and multiply, and bring forth fruit for all ages to come.

"Who, then, was Andrew Jackson?

"Fathers and sons, give heed to what I say; mothers and daughters, lend me your attention! It is of no ordinary man I speak, nor is it for the dead I speak, but the living. Were it permitted those who have once shaken off this mortal coil again to return and take part in the affairs of those they loved, Andrew Jackson would now, in bodily presence as he is in spirit, be in the midst of this assembly, praying that what may be uttered this day shall be blessed to your good."

PARTS OF SPEECH BY GEN. BENJ. C. HOWARD, DELIVERED AT
BALTIMORE.

"The battle of the 8th of January must forever stand in military history as a wonder. Well do I remember the universal impression which prevailed in our city, when the tidings of it first reached us, that some strange error had crept into the account, with respect to the disparity of loss on both sides. And even now it is a subject of astonishment. They were the same British troops who had stormed Badajos and St. Sebastian's, making their way over fosses

filled with the dead, over piles of loose stones, through what they called a practicable breach of the rampart, and in the face of a disciplined foe. And yet a few cotton bales and a slight ditch was found to be an impassable barrier. What was the cause? It was the cool head, the steady arm, the practiced aim of the marksmen of the wood, whose aim was unerring, and who had caught some of the indomitable spirit of their gallant leader. You, my fellow citizens, those of you who were old enough to participate in the events of the day, felt an intense and peculiar interest in this brilliant achievement.

“At least four of the regiments on the side of the invaders were the same which you had yourselves met a few short months before, and who, retiring from your city in a sullen spirit of vengeance, had been recruiting their strength for a more desperate assault upon what they thought to be a more defenseless place. It was a singular coincidence that, with all these unusual causes of deep anxiety for the fate of New Orleans, together with the vivid recollection of the existing scenes exhibited in an invaded city, it was at Baltimore that the news of peace coming from the North, and from victory coming from the South, met each other; and the splendid illumination of the 15th of February was a practical demonstration that the war had closed in a blaze of glory. But who can speak of the 8th of January, 1815, with any hope of suiting his language to the swelling theme? It has long since taken its place among the very few in the American calendar worthy of a national celebration. We have but four: the 22d of February, the 4th of July, the 12th of September, and the 8th of January. They are now consecrated by the universal voice, and he who can add a fifth to the illustrious roll will stamp his own name also forever upon the record of his country's fame.”

THE LAST WILL AND TESTAMENT OF ANDREW JACKSON.

"In the Name of God, Amen! I, Andrew Jackson, Sen'r, being of sound mind, memory, and understanding, and impressed with the great uncertainty of life and the certainty of death, and being desirous to dispose of my temporal affairs so that after my death no contention may arise relative to the same; and whereas, since executing my will of the 30th of September, 1833, my estate has become greatly involved by my liabilities for the debts of my well-beloved and adopted son, Andrew Jackson, Jun., which makes it necessary to alter the same: Therefore, I, Andrew Jackson, Sen'r, of the county of Davidson and State of Tennessee, do make, ordain, publish, and declare this my last will and testament, revoking all other wills by me heretofore made.

"First, I bequeath my body to the dust whence it comes, and my soul to God who gave it, hoping for a happy immortality through the atoning merits of our Lord Jesus Christ, the Saviour of the world. My desire is, that my body be buried by the side of my dear departed wife, in the garden at the Hermitage, in the vault prepared in the garden, and all expenses paid by my executor hereafter named.

"Secondly, That all my just debts be paid out of my personal and real estate by my executor; for which purpose to meet the debt my good friends, Gen'l J. B. Planchin & Co., of New Orleans, for the sum of six thousand dollars, with the interest accruing thereon, loaned to me to meet the debt due by A. Jackson, Jun., for the purchase of the plantation from Hiram G. Runnels, lying on the east bank of the river Mississippi, in the State of Mississippi. Also a debt due by me of ten thousand dollars, borrowed of my friends Blair and Rives, of the city of Washington and District of Columbia, with the interest accruing thereon; being applied to the payment of the lands bought of Hiram G. Runnels as aforesaid, and for the faithful payment of the aforesaid recited debts, I hereby bequeath all my personal and real estate. After these debts are fully paid —

"Thirdly, I give and bequeath to my adopted son, Andrew Jackson, Junior, the tract of land whereon I now live, known by the Hermitage tract, with its butts and bound-

aries, with all its appendages of the three lots of land bought of Samuel Donelson, Thomas J. Donelson, and Alexander Donelson, sons and heirs of Sovorn Donelson, deceased, all adjoining the Hermitage tract, agreeable to their butts and boundaries, with all the appurtenances thereto belonging or in any wise appertaining, with all my negroes that I may die possessed of, with the exception hereafter named, with all their increase after the before recited debts are fully paid, with all the household furniture, farming tools, stock of all kind, both on the Hermitage tract farms, as well as those on the Mississippi plantation, to him and his heirs forever. The true intent and meaning of this my last will and testament is, that all my estate, real, personal, and mixed, is hereby first pledged for the payment of the above recited debts and interest; and when they are fully paid, the residue of my estate, real, personal, and mixed, is hereby bequeathed to my adopted son, A. Jackson, Jun., with the exceptions hereafter named, to him and his heirs forever.

“Fourth, Whereas I have heretofore by conveyance, deposited with my beloved daughter Sarah Jackson, wife of my adopted son A. Jackson, Jun., given to my beloved granddaughter, Rachel Jackson, daughter of A. Jackson, Jun., and Sarah his wife, several negroes therein described, which I hereby confirm. I give and bequeath to my beloved grandson Andrew Jackson, son of A. Jackson, Jun., and Sarah his wife, a negro boy named Ned, son of Blacksmith Aaron and Hannah his wife, to him and his heirs forever.

“Fifth, I give and bequeath to my beloved little grandson, Samuel Jackson, son of A. Jackson, Jun., and his much-beloved wife Sarah, one negro boy named Davy or George, son of Squire and his wife Giney, to him and his heirs forever.

“Sixth, To my beloved and affectionate daughter, Sarah Jackson, wife of my adopted and well-beloved son, A. Jackson, Jun., I hereby recognize, by this bequest, the gift I made her on her marriage, of the negro girl Gracey, which I bought for her, and gave her to my daughter Sarah as her maid and seamstress, with her increase, with my house-servant Hanna and her two daughters, namely, Charlotte and Mary, to her and her heirs forever. This gift and bequest is made for my great affection for her — as a

memento of her uniform attention to me and kindness on all occasions, and particularly when worn down with sickness, pain, and debility — she has been more than a daughter to me, and I hope she never will be disturbed in the enjoyment of this gift and bequest by anyone.

“Seventh, I bequeath to my well-beloved nephew, Andrew J. Donelson, son of Samuel Donelson, deceased, the elegant sword presented to me by the State of Tennessee, with this injunction, that he fail not to use it when necessary in support and protection of our glorious Union, and for the protection of the constitutional rights of our beloved country, should they be assailed by foreign enemies or domestic traitors. This, from the great change in my worldly affairs of late, is, with my blessing, all I can bequeath him, doing justice to those creditors to whom I am responsible. This bequest is made as a memento of my high regard, affection, and esteem I bear for him as a high-minded, honest, and honorable man.

“Eighth, To my grand-nephew, Andrew Jackson Coffee, I bequeath the elegant sword presented to me by the Rifle Company of New Orleans, commanded by Captain Beal, as a memento of my regard, and to bring to his recollection the gallant services of his deceased father, John Coffee, in the late Indian and British war, under my command, and his gallant conduct in defense of New Orleans in 1814 and 1815; with this injunction, that he wield it in the protection of the rights secured to the American citizen under our glorious constitution, against all invaders, whether foreign foes or intestine traitors.

“I bequeath to my beloved grandson, Andrew Jackson, son of A. Jackson, Jun., and Sarah his wife, the sword presented to me by the citizens of Philadelphia, with this injunction, that he will always use it in defense of the constitution of our glorious Union, and the perpetuation of our republican system; remembering the motto, ‘Draw me not without occasion, nor sheath me without honor.’

“The pistols of Gen’l Lafayette, which were presented by him to Gen’l George Washington, and by Col. William Robertson presented to me, I bequeath to George Washington Lafayette, as a memento of the illustrious personages

through whose hands they have passed — his father, and the father of his country.

“The gold box presented to me by the corporation of the City of New York, the large silver vase presented to me by the ladies of Charleston, South Carolina, my native State, with the large picture representing the unfurling of the American banner, presented to me by the citizens of South Carolina when it was refused to be accepted by the United States Senate, I leave in trust to my son, A. Jackson, Jun., with directions that should our happy country not be blessed with peace, an event not always to be expected, he will at the close of the war or end of the conflict, present each of said articles of inestimable value, to that patriot residing in the city or State from which they were presented, who shall be adjudged by his countrymen or the ladies to have been the most valiant in defense of his country and our country’s rights.

“The pocket spyglass which was used by Gen’l Washington during the Revolutionary War, and presented to me by Mr. Custis, having been burned with my dwelling house, the Hermitage, with many other valuable relics, I can make no disposition of them. As a memento of my high regard for Gen’l Robert Armstrong as a gentleman, patriot and soldier, as well as for his meritorious military services under my command during the late British and Indian war, and remembering the gallant bearing of him and his gallant little band at Enotochopco Creek, when, falling desperately wounded, he called out, ‘My brave fellows, some may fall, but save the cannon’ — as a memento of all these things, I give and bequeath to him my case of pistols and sword worn by me throughout my military career, well satisfied that in his hands they will never be disgraced — that they will never be used or drawn without occasion, nor sheathed but with honor.

“Lastly, I leave to my beloved son all my walking-canes and other relics, to be distributed amongst my young relatives — namesakes — first, to my much-esteemed namesake, Andrew J. Donelson, son of my esteemed nephew, A. J.

Donelson, his first choice, and then to be distributed as A. Jackson, Jun., may think proper.

"Lastly, I appoint my adopted son Andrew Jackson, Jun., my whole and sole executor to this my last will and testament, and direct that no security be required of him for the faithful execution and discharge of the trusts hereby reposed in him.

"In testimony whereof, I have this 7th day of June, one thousand eight hundred and forty-three, hereunto set my hand, and affixed my seal, hereby revoking all wills heretofore made by me, and in the presence of

"MARION ADAMS,

"ELIZABETH D. LOVE,

"THOS. J. DONELSON,

"RICHARD SMITH,

"R. ARMSTRONG.

ANDREW JACKSON [SEAL]."

A CORRESPONDENCE BETWEEN GEN. ANDREW JACKSON AND
COM. J. D. ELLIOTT.

"WASHINGTON CITY, March 18, 1845.

"*My Dear General:* Last night I made something of a speech at the National Institute, and have offered for their acceptance the sarcophagus which I obtained at Palestine, brought home in the *Constitution*, and believed to contain the remains of the Roman Emperor, Alexander Severus, with the suggestion that it might be tendered you for your final resting-place. I pray you, General, to live on in the fear of the Lord; dying the death of a Roman soldier, an Emperor's coffin awaits you.

"I am truly your old friend,

"JESSE D. ELLIOTT.

"*To Gen. Andrew Jackson.*"

"HERMITAGE, March 27, 1845.

"*Dear Sir:* Your letter of the 18th instant, together with the copy of the proceedings of the National Institute, furnished me by their corresponding secretary, on the presentation, by you, of the sarcophagus for their acceptance, on

condition it shall be preserved, and in honor of my memory, have been received, and are now before me.

"Although laboring under great debility and affliction, from a severe attack from which I may not recover, I raise my pen and endeavor to reply. The steadiness of my nerves may perhaps lead you to conclude my prostration of strength is not so great as here expressed. Strange as it may appear, my nerves are as steady as they were forty years gone by; whilst, from debility and affliction, I am gasping for breath.

"I have read the whole proceedings of the presentation, by you, of the sarcophagus, and the resolutions passed by the board of directors, so honorable to my fame, with sensations and feelings more easily to be conjectured than by me expressed. The whole proceedings call for my most grateful thanks, which are hereby tendered to you, and through you to the president and directors of the National Institute. But with the warmest sensations that can inspire a grateful heart, I must decline accepting the honor intended to be bestowed. I cannot consent that my mortal body shall be laid in a repository prepared for an emperor or a king. My republican feelings and principles forbid it; the simplicity of our system of government forbids it. Every monument erected to perpetuate the memory of our heroes and statesmen ought to bear evidence of the economy and simplicity of our republican institutions, and the plainness of our republican citizens, who are the sovereigns of our glorious Union, and whose virtue it is to perpetuate it. True virtue cannot exist where pomp and parade are the governing passions; it can only dwell with the people — the great laboring and producing classes that form the bone and sinew of our confederacy.

"For these reasons I cannot accept the honor you and the president and directors of the National Institute intended to bestow. I cannot permit my remains to be the first in these United States to be deposited in a sarcophagus made for an emperor or a king. I again repeat, please accept for yourself, and convey to the president and directors of the National Institute, my most profound respects for the honor you and they intended to bestow. I have prepared a humble depository for my mortal body beside that wherein lies my beloved wife, where, without any pomp or parade,

I have requested, when my God calls me to sleep with my fathers, to be laid; for both of us there to remain until the last trumpet sounds to call the dead to judgment, when we, I hope, shall rise together, clothed with that heavenly body promised to all who believe in our glorious Redeemer, who died for us that we might live, and by whose atonement I hope for a blessed immortality.

“I am, with great respect,

“Your friend and fellow citizen,

“ANDREW JACKSON.

“To Com. J. D. ELLIOTT,

“*United States Navy.*”

THE END.

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